

Michelle MacDonald Shimota

10/20/2016

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----
4 Michelle MacDonald Shimota, et al.,

5 Plaintiffs,

6 vs.

CASE NO. 15-CV-1590-JRT-KMM

7 Bob Wegner, et al.,

8 Defendants.
9 -----

10
11 VIDEOTAPED DEPOSITION OF
12 MICHELLE MACDONALD SHIMOTA

13
14 Taken October 20, 2016
15 Commencing at 8:38 a.m.
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23
24

25 REPORTED BY: AMY KRISTINA LIZOTTE

Michelle MacDonald Shimota
10/20/2016

Page 2

1 Videotaped Deposition of MICHELLE
2 MACDONALD SHIMOTA taken on October 20, 2016,
3 commencing at 8:38 a.m., at Dakota County
4 Administration Center, 1590 Highway 55, Hastings,
5 Minnesota, before Amy Kristina Lizotte, Notary
6 Public of and for the State of Minnesota.
7

8 *****
9

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11

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Michelle MacDonald Shimota

10/20/2016

Page 3

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9
10
11
12 VIDEOGRAPHER: Pat Curto

13
14
15
16 NOTE: The original transcript will be filed
17 with Jeffrey Timmerman, Assistant County Attorney,
18 pursuant to the applicable Rules of Civil Procedure.
19
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Michelle MacDonald Shimota
10/20/2016

Page 4

INDEX

WITNESS: MICHELLE MACDONALD SHIMOTA PAGE

EXAMINATION BY MR. TIMMERMAN..... 9

OBJECTIONS:

BY MR. PADDEN: 58, 84, 85, 99, 124, 131,
230, 231, 232, 252

INSTRUCTIONS NOT TO ANSWER: (NONE)

PRODUCTION REQUESTS: (NONE)

EXHIBITS MARKED AND REFERRED TO:

Exhibit 1: Jared, The Galleria of Jewelry

receipt = Bates MacDonald 00502-00510... 16

Exhibit 2: Judicial Election Committee of the

2014 RPM State Convention = Bates

MacDonald 00655-00674..... 29, 127, 140

Michelle MacDonald Shimota

10/20/2016

Page 5

1	Exhibit 3: Incident, Dakota Sheriff, Case Number	
2	13001625 = Bates DC 00056-00059.....	35, 91
3	Exhibit 4: Affidavit of David Knutson.....	46, 187
4	Exhibit 5: Plaintiff's Amended Answers to	
5	Defendants' Interrogatories.....	56
6	Exhibit 6: Movement log for Michelle MacDonald	98
7	Exhibit 7: Deputy Roster, Dakota County = Bates	
8	DC 00002-00003, CONFIDENTIAL.....	105
9	Exhibit 8: Police Central - Full Incident Report	
10	Dakota County Jail, 9-12-13 = Bates	
11	DC 00042-00044.....	116
12	Exhibit 9: Report, actual date and time, category,	
13	comments, name, staff description = Bates	
14	DC 00032-00036.....	138, 143
15	Exhibit 10: Color copies of photos, Negative	
16	Pressure room, Bates DC 00070-00073,	
17	CONFIDENTIAL.....	159
18	Exhibit 11: Re: First Letter - MacDonald	
19	hearing Oct. 1 at 1:30 = Bates	
20	MacDonald 00581-00585.....	167
21	Exhibit 12: First Amended Complaint.....	182
22	Exhibit 13: Police Central - Inmate Property =	
23	DC 00053-00054.....	182, 193
24		
25		

Michelle MacDonald Shimota

10/20/2016

Page 6

1	Exhibit 14: 11-4-14 letter to Dakota County	
2	District Court from Associated Clinic of	
3	Psychology, Gregory Hanson, PhD.....	223
4	Exhibit 15: Petition for Disciplinary Action	
5	against Michelle Lowney MacDonald.....	243
6	Exhibit 16: YouTube - Michelle MacDonald for	
7	Justice.....	261
8	Exhibit 17: State of Minnesota v Michelle	
9	MacDonald Shimota, motion hearing.....	263
10	Exhibit 18: "Sandra Grazzini-Rucki and the World's	
11	Last Custody Trial," by Attorney Michelle	
12	MacDonald and Michael Volpe.....	272

(Original exhibits attached to original transcript;
copies attached to transcript copies.)

Michelle MacDonald Shimota

10/20/2016

Page 7

1 MR. PADDEN: Today's deposition is
2 being videotaped. And I'd like an agreement that
3 this video will only be used for purposes of this
4 litigation, will not be disseminated publicly to
5 media or anyone outside of this lawsuit. And I'd
6 like that agreement to extend to Counsel's
7 employees.

8 The reason I mention that is because -- and
9 I'm not critical of this at all, but images taken
10 earlier that are the subject of this case have ended
11 up in the public domain, that I've made clear in
12 communications. And I realize there may be issues
13 pertaining to the freedom of information. I'm not
14 going to get into all of that. But I want an
15 understanding that this video deposition will not be
16 disseminated publicly.

17 I assume that's agreeable, Counsel?

18 MR. TIMMERMAN: Yes, that's agreeable.
19 Just one clarification in terms of showing it to my
20 staff, I can -- with the understanding that it's not
21 going to be publicly disseminated, I may show it to
22 my coworkers.

23 MR. PADDEN: Absolutely, that's fine.
24 And obviously if we had a trial you're going to be
25 playing it in the courtroom, I get all that.

Michelle MacDonald Shimota

10/20/2016

Page 8

1 MR. TIMMERMAN: Correct.

2 MR. PADDEN: I just don't want the
3 physical video disseminated publicly. I take it we
4 have an agreement in that regard?

5 MR. TIMMERMAN: Absolutely.

6 MR. PADDEN: And I would provide the
7 same agreement to you if I take video depositions of
8 your witnesses. I don't plan on doing that, but I
9 could change my mind. But I just want to make sure
10 that you understand that would be reciprocal.

11 MR. TIMMERMAN: Yeah, that makes sense.

12 MR. PADDEN: Okay. All right.

13 MR. TIMMERMAN: I appreciate it.

14 MR. PADDEN: Okay. Fair enough.

15 THE VIDEOGRAPHER: Here begins disc
16 number one in the deposition of Michelle MacDonald
17 Shimota, taken in the matter of Michelle MacDonald
18 Shimota, et al., versus Bob Wegner, et al., United
19 States District Court for the District of Minnesota,
20 case number 15-CV-1590-JTR [sic] KMM. Today's date,
21 as indicated, is October 20, 2016. The time as
22 indicated is 8:42 a.m.

23 My name is Pat Curto. I'm a certified legal
24 video specialist in association with Paradigm
25 Digital Videography.

Michelle MacDonald Shimota

10/20/2016

Page 9

1 Would counsel please state their appearances
2 for the record, starting with the noticing attorney.

3 MR. TIMMERMAN: Good morning. I'm Jeff
4 Timmerman, and I represent defendants, Dakota
5 County, Bob Wegner, Christopher Melton, Timothy
6 Gonder, and Jon Napper.

7 MR. PADDEN: Michael Padden on behalf
8 of plaintiff.

9 THE VIDEOGRAPHER: Thank you. The
10 court reporter is Amy Lizotte of Paradigm Reporting
11 and Captioning. Ms. Shimota, you may remain --
12 Ms. MacDonald, I'm sorry, you may remain seated and
13 the court reporter will swear you in.

14 MICHELLE SHIMOTA MACDONALD,
15 duly sworn, was examined and testified as follows:

EXAMINATION

16
17 BY MR. TIMMERMAN:

18 Q. Good morning. Would you prefer that I call
19 you Ms. MacDonald or Ms. Shimota today?

20 A. Ms. MacDonald.

21 Q. Ms. MacDonald, okay. Could you please state
22 your full legal name for the record.

23 A. It's Michelle Lowney MacDonald Shimota.

24 Q. And, Ms. MacDonald, what is your address?

25 A. It's 2800 - 130th Street West, Rosemount,

Michelle MacDonald Shimota

10/20/2016

Page 10

1 Minnesota, 55068.

2 Q. Thank you. Now, I understand you've gone by
3 Michelle Lowney, correct, in the past?

4 A. I -- that was my maiden name.

5 Q. Maiden name. And then MacDonald, which you
6 go by now, and Shimota as well. Are there any other
7 names that you've gone by other than those three
8 names?

9 A. No.

10 Q. Have you ever given a deposition before?

11 A. Yes.

12 Q. And when was that?

13 A. It was in 2012, I'm not sure exactly when.

14 Q. Was that in a civil lawsuit?

15 A. Might be in -- yes.

16 Q. What kind of a lawsuit was that?

17 A. It was a lawsuit brought against Family
18 Innocence Project, when we were Family Innocence
19 Project, by the Innocence Project for trademark and
20 name change.

21 Q. Okay. I'm familiar with that lawsuit. And
22 as a result the name was changed to Family
23 Innocence, correct?

24 A. Correct.

25 Q. Okay. Any other depositions that you've

Michelle MacDonald Shimota

10/20/2016

Page 11

1 given before in the past?

2 A. Not that I recall.

3 Q. Okay. Well, I just want to go over a couple
4 of ground rules that I go over with everyone just to
5 try and keep us on the same page here today.

6 Obviously we have a court reporter here today and a
7 videographer. If you could refrain from answering
8 questions by nodding or shaking your head, I would
9 appreciate it. Okay?

10 A. Okay.

11 Q. Okay. I'll do the same thing at some point
12 I'm sure. It's inevitable I think. If you need to
13 take a break today at any point, we certainly can.
14 This is not a marathon and I'm not trying to trick
15 you. If you need to take a break, let me know, and
16 we can accommodate that. Okay?

17 A. Thank you.

18 Q. If you don't understand a question that I
19 ask, just tell me and I'll try my best to ask a
20 better question. Okay?

21 A. Thank you.

22 Q. Likewise, if I'm confusing, and I'm going to
23 try not be confusing, but if I am just let me know.
24 Okay?

25 A. Thank you. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 12

1 Q. If you answer a question I will assume that
2 you understood the question. Is that fair?

3 A. Thank you. Yes.

4 Q. And the last two kind of ground rules here,
5 if you want to correct an answer at any point today
6 just let me know. Okay?

7 A. Okay.

8 Q. And likewise, if you want to supplement or
9 add to an answer at any point today, just let me
10 know and we can do that. Okay?

11 A. Okay.

12 Q. Is there any reason why you would be unable
13 to answer my questions truthfully today?

14 A. No.

15 Q. Are you presently on any medications that
16 affect your memory at all?

17 A. No.

18 Q. If at any point today you believe you are
19 unable to continue answering my questions, just let
20 me know that. Okay?

21 A. Okay.

22 Q. What did you do to prepare for your
23 deposition today?

24 A. Prayed.

25 Q. Anything else?

Michelle MacDonald Shimota

10/20/2016

Page 13

1 A. Thought about things.

2 Q. Prayed and thought about things. Anything
3 else?

4 A. No.

5 Q. Okay. And I want to make one additional
6 ground rule clear today. I don't want to know about
7 anything that you discussed with your lawyer. My
8 questions are not intended to infringe upon the
9 attorney/client privilege. So I just want to make
10 that clear. If there is any information I'm seeking
11 from that you does, just let me know. Okay?

12 MR. PADDEN: To be clear, Michelle, I
13 think what Jeff is asking about is any preparation
14 you would have done other than speaking with me. I
15 think that was presumed in the question, so.

16 Q. Correct.

17 A. Thank you.

18 Q. Did you review any documents to prepare for
19 your deposition today?

20 A. I didn't. I didn't have time unfortunate --
21 you know, I just didn't have time, so I didn't.

22 Q. Other than your attorneys, with whom have
23 you discussed the fact that you were being deposed
24 today?

25 A. That I was being deposed today? My husband,

Michelle MacDonald Shimota
10/20/2016

Page 14

1 my attorneys, my paralegal, because she had to
2 schedule it. I can't think of anyone else.

3 Q. Okay. And this question is not meant to be
4 offensive, I ask everyone this, but are you
5 presently in bankruptcy?

6 A. No.

7 Q. Any plans to file bankruptcy in the future?

8 A. No.

9 Q. I'm planning today to limit the scope of my
10 questions to your four remaining claims in this
11 lawsuit. Do you understand that you have four
12 remaining claims in this lawsuit?

13 A. Yes.

14 Q. Okay. I just want to quickly go over those
15 so that we're on the same page. The first is a
16 Fourth Amendment claim relating to the search of a
17 digital camera, correct?

18 A. Yes.

19 Q. And the second remaining claim is a
20 Fourteenth Amendment substantive due process claim
21 relating to the conditions of your confinement. Do
22 you understand that?

23 A. Yes.

24 Q. And the third claim is a theft or taking
25 claim relating to the gold cross pendant you claim

Michelle MacDonald Shimota
10/20/2016

Page 15

1 was lost while you were confined. Do you understand
2 that as well?

3 A. Yes.

4 Q. And the fourth claim is a respondeat
5 superior claim against Dakota County based on the
6 loss of that pendant. Do you understand that as
7 well?

8 A. Yes.

9 Q. Now, you've produced some documentation in
10 this litigation concerning the gold cross pendant.
11 It looks like a Jared Galleria receipt. I have to
12 be honest, I can't make out the numbers on it or
13 really anything on it. Can you tell me how much
14 that gold cross pendant cost?

15 A. Well, my husband bought it for me for my
16 birthday. And if I saw the receipt, I could help
17 you out with the date. He bought it, so he paid for
18 it.

19 Q. Okay. I think it was 2008. Does that sound
20 correct?

21 A. I'll have to look at the receipt.

22 Q. Okay.

23 A. But it was, you know, several years before
24 this incident.

25 MR. TIMMERMAN: Could you please mark

Michelle MacDonald Shimota

10/20/2016

Page 16

1 this as Exhibit 1 to the deposition.

2 (MacDonald Deposition Exhibit No. 1
3 marked for identification.)

4 MR. PADDEN: Madam Court Reporter, did
5 you get Jeff saying he has copies for me?

6 THE REPORTER: No, I didn't.

7 MR. PADDEN: Okay. And my response?

8 THE REPORTER: No.

9 MR. PADDEN: I said, thank you.

10 BY MR. TIMMERMAN:

11 Q. Ms. MacDonald, these are documents you
12 produced in this litigation relating to the gold
13 cross pendant. In reviewing these documents, does
14 this refresh your recollection regarding when the
15 pendant was purchased and the purchase price of the
16 pendant?

17 A. I can't read it very well either, but in my
18 interrogatories I wrote down the numbers.

19 Q. You did?

20 A. Yes.

21 Q. Okay. In your original interrogatory
22 answers you did?

23 A. I believe I did.

24 Q. Pardon me while I take a look here.

25 Interrogatory number 4 asks, identify the monetary

Michelle MacDonald Shimota

10/20/2016

Page 17

1 value of the necklace, necklace defined to mean the
2 gold cross pendant, and every document that
3 evidences the value of the necklace.

4 And your answer to that interrogatory was,
5 see the receipt which is part of this answering
6 parties response to defendant's document request
7 pleading.

8 A. Oh, I'm sorry about that. I thought I had
9 written the number down. And I have a clearer copy
10 of the receipt. But I thought it was around you
11 know, 500 and some odd dollars.

12 Q. Around \$500?

13 A. A little more than \$500.

14 Q. Is that including the service plan that was
15 purchased for it or exclusive of that service plan?

16 A. Exclusive. And then it says 219.99 here as
17 well. I don't know that that was the service plan.

18 Q. So that may be the service plan, but it may
19 not, we just don't know?

20 A. Right, right.

21 Q. Could you give me an estimated value, and I
22 understand that this receipt is not entirely
23 legible, to the best of your recollection an
24 estimated value of the cost of the service plan?

25 A. I don't know. My husband bought it.

Michelle MacDonald Shimota

10/20/2016

Page 18

1 Q. Okay.

2 A. He'd be a better witness for that because he
3 bought it --

4 Q. Sure.

5 A. -- for me.

6 Q. And the digital camera that is the subject
7 of your Fourth Amendment claim, is it your
8 understanding that I returned that to your lawyers
9 in this lawsuit?

10 A. After several years, yes.

11 Q. Okay. And do you have that camera now?

12 A. Yes. And there were many photographs in the
13 camera, thousands of them, that you finally
14 returned, you slipped it to one of my attorneys at a
15 hearing was my understanding.

16 Q. Yes, I had made an agreement with your
17 attorney that I would personally look for the camera
18 and return it if I found it. And then I did, so.

19 Any pictures on that camera that you claim
20 were deleted at all while it was in the custody of
21 the Dakota County Sheriff's Office?

22 A. I don't know. I haven't looked at all the
23 pictures.

24 Q. Okay. Now, it's my understanding --

25 A. I think I gave you all the pictures in

Michelle MacDonald Shimota
10/20/2016

Page 19

1 discovery.

2 Q. You did, you did produce a lot of pictures.
3 I'm just wondering if you're claiming in the lawsuit
4 that any photos were deleted from that camera while
5 it was in my client's possession.

6 A. It was gone for so long I can't answer that.
7 I just know that there were thousands of pictures,
8 and I did provide you with all of those that were in
9 my camera.

10 Q. Fair enough. And I understand that you've
11 alleged in this lawsuit that on September 12, 2013
12 your cell phone was seized as well, correct?

13 A. Yes.

14 Q. For how long was your cell phone seized?

15 A. Hours, until -- let's see, I want to say 30
16 hours.

17 Q. Was it returned to you when you were
18 released from the Dakota County jail?

19 A. It was in my property bag.

20 Q. The property bag that you received upon
21 being released from the jail?

22 A. Right.

23 Q. I'm going to refer just -- I'm going to
24 refer to the Dakota County jail just as the jail
25 today. Is that okay with you?

Michelle MacDonald Shimota

10/20/2016

Page 20

1 A. Yes.

2 Q. Okay. Are you claiming in the lawsuit that
3 your cell phone was searched at all?

4 A. It could have been, yes.

5 Q. Do you know one way or the other whether it
6 was?

7 A. I don't. I assume that it probably was.

8 Q. And what do you base that assumption on?

9 A. Because they searched my camera as well.

10 Q. Okay. Any other evidence that you have that
11 your cell phone was searched?

12 A. Because it was taken by Mr. Gonder, and he's
13 the one who searched my cell phone -- I mean my
14 camera, and I believe he searched my cell phone as
15 well. I didn't take any pictures on my cell phone,
16 so.

17 Q. Okay.

18 A. And he -- and I didn't record anything on my
19 cell phone either, and that's why I think he took
20 it.

21 Q. Took it because he didn't want you to record
22 anything on it?

23 A. Took it because he thought I was recording
24 something on it. I don't even know how to record on
25 my cell phone.

Michelle MacDonald Shimota

10/20/2016

Page 21

1 Q. Okay.

2 A. I've never recorded anything on my cell
3 phone.

4 Q. Okay.

5 A. I mean in terms of voice.

6 Q. And before we I think really take a deep
7 dive here into the substance of your claims, your
8 attorney and I have corresponded about some of the
9 economic damages that you initially were seeking in
10 this lawsuit. I just want to confirm with you on
11 the record here today that you have abandoned all of
12 your claims for loss of past and future earnings and
13 income in this lawsuit, correct?

14 A. Yes.

15 Q. I also want to confirm with you on the
16 record today that you have abandoned all of your
17 claims for loss of future earnings capacity in this
18 lawsuit, correct?

19 A. Yes.

20 Q. Have you abandoned your claims -- let me
21 back up a moment. I understand that you may at some
22 point seek your attorneys fees and costs incurred in
23 connection with prosecuting this lawsuit. But have
24 you abandoned your claims for attorneys fees and
25 costs that you incurred defending against criminal

Michelle MacDonald Shimota

10/20/2016

Page 22

1 charges that were brought against you?

2 A. No.

3 Q. You have not abandoned those claims?

4 A. No.

5 Q. Have you abandoned your claims in this
6 lawsuit for attorneys fees and costs you have
7 incurred defending against an action taken by or on
8 behalf of the Minnesota Lawyers Professional
9 Responsibility Board?

10 A. No.

11 Q. You're still claiming those damages in
12 this --

13 A. Yes.

14 Q. -- lawsuit? And if you could let me finish
15 my questions --

16 A. Mm-hmm.

17 Q. -- before you answer, I would appreciate it,
18 and I'll give you the same courtesy. Okay?

19 A. Thank you.

20 Q. Have you abandoned your claims relating to
21 injury to your reputation in this lawsuit?

22 A. No.

23 Q. But you have abandoned them in so much as
24 you're seeking earnings or income damage, correct?

25 A. I'm not sure how that relates, no.

Michelle MacDonald Shimota

10/20/2016

Page 23

1 Q. So you will seek damages for loss of income
2 or earnings based on damage to your reputation?

3 A. If that relates to my reputation.

4 MR. PADDEN: No, no, look --

5 THE WITNESS: No?

6 MR. PADDEN: We've made it clear in
7 this case that -- abundantly clear that she is
8 making no claim for loss of earnings, past or
9 future, however you want to categorize that, or
10 earning capacity. So I guess you can ask a series
11 of questions about it, but I think it's been
12 established on the record, so.

13 MR. TIMMERMAN: Okay.

14 THE WITNESS: Right.

15 BY MR. TIMMERMAN:

16 Q. Talk a little bit about you. You went to
17 Boston College for undergrad, correct?

18 A. Yes.

19 Q. And graduated in 1983?

20 A. Yes.

21 Q. And then you went to Suffolk University Law
22 School obtaining a Juris Doctorate in 1986?

23 A. Yes.

24 Q. And you've owned and operated the MacDonald
25 Law Firm since 2004, is that correct?

Michelle MacDonald Shimota
10/20/2016

Page 24

1 A. Yes.

2 Q. What do you specialize in at the MacDonald
3 Law Firm?

4 A. It was primarily family law, but I do a
5 number of other things, estate planning and wills
6 and trusts, those were two of my main
7 concentrations, parallel, so estate planning, wills
8 and trusts, and also family law.

9 Q. Okay.

10 A. And then many other general things that come
11 up.

12 Q. And I see in your interrogatory answers that
13 you were also an adjunct referee in family court for
14 some time?

15 A. Yes.

16 Q. When was that?

17 A. For many years. I want to say -- I -- I
18 have the dates, like 22 years, maybe a little less
19 than that because they stopped the program.
20 That's -- they stopped the program I believe in
21 January of 2012 maybe or '11. But I was part of it
22 for twenty something years. I don't have the exact
23 dates.

24 Q. And that's okay. Did your involvement end
25 when they stopped the program?

Michelle MacDonald Shimota

10/20/2016

Page 25

1 A. Yes.

2 Q. Okay. And you were also a conciliation
3 court judge for twenty plus years as well, correct?

4 A. Right.

5 Q. And that was in Hennepin County?

6 A. Right.

7 Q. Why did that relationship end? Why did that
8 position end?

9 A. The chief judge wrote me a letter after this
10 incident and said I was no longer needed.

11 Q. After what incident?

12 A. The incident in what -- what the defendants
13 did to me.

14 Q. Okay. When did the chief judge of the
15 Hennepin County District Court write you that
16 letter?

17 A. I think it was right afterwards, I want to
18 say November or December.

19 Q. Do you have any evidence suggesting that
20 your conciliation court judge position was ended
21 because of the allegations in your lawsuit or the
22 conduct in which you allege have engaged in the
23 lawsuit?

24 A. I believe it did. The chief judge is
25 cousins with the judge in Dakota County, so I -- I

Michelle MacDonald Shimota

10/20/2016

Page 26

1 had been a small claims court judge for so many
2 years I can't imagine why except for this incident,
3 why I would get a letter like that.

4 Q. Okay. Which chief -- pardon me, which
5 Dakota County judge is --

6 A. Abrams.

7 Q. Judge Abrams. Okay. And aside from your
8 belief that this relationship ended because they
9 were cousins and that had something to do with it,
10 do you have any other evidence that that was the
11 cause of your conciliation court judge position to
12 end?

13 A. Not that I can recall.

14 Q. You also founded Family Innocence in 2011,
15 correct?

16 A. Yes.

17 Q. Could you tell me a little bit about what
18 Family Innocence is?

19 A. Family Innocence is a nonprofit that's
20 dedicated to keeping families out of court and
21 resolving conflicts and injustices peacefully.

22 Q. And you're in favor of abolishing family
23 court altogether, correct?

24 A. I did have -- yes, yes, I think litigating
25 families has to end.

Michelle MacDonald Shimota

10/20/2016

Page 27

1 Q. Do you also do mediation at all as an
2 alternative dispute resolution?

3 A. Yes.

4 Q. How long have you done that for?

5 A. 25 years.

6 Q. Is that through family justice or is that
7 separately?

8 A. It's through -- family justice? Family
9 Innocence.

10 Q. Excuse me.

11 A. It is through Golden Rule Mediation.

12 Q. Are you still doing that today?

13 A. Yes.

14 Q. And lastly, you're also an author, editor,
15 and publisher, correct?

16 A. Yes.

17 Q. And it looks like you edited a book called
18 bully to death -- "Bullied to Death: Chris
19 Mackney's Kafkaesque Divorce"?

20 A. Yes.

21 Q. And that was released in 2015?

22 A. Yes.

23 Q. It who is Michael Volpe? Is it Volpe?

24 A. Michael Volpe is -- yes, he's in Chicago,
25 he's an author and investigative journalist.

Michelle MacDonald Shimota

10/20/2016

Page 28

1 Q. And how do you know him?

2 A. And how do I know him? He -- I had heard
3 about the upcoming book, I think it was probably in
4 2014, so I called him up.

5 Q. And offered to edit it?

6 A. Well, I -- he was looking for a publisher,
7 and I knew somebody who might be able to publish his
8 book. An attorney and a board member of Family
9 Innocence was starting a publishing company.

10 Q. What's the name of that publishing company?

11 A. I don't remember. I don't remember the
12 name. It had some meaning. I just don't remember
13 the name. I'm sorry.

14 Q. Is that the same publishing company that
15 published your recent book?

16 A. No.

17 Q. Your recent book is entitled, "Sandra
18 Grazzini-Rucki and the World's Last Custody Trial"?

19 A. Right.

20 Q. And that was co-authored with Michael Volpe?

21 A. Right.

22 Q. Who published that book?

23 A. Familycourt.com.

24 Q. And what's Familycourt.com?

25 A. It's an organization that I guess our

Michelle MacDonald Shimota

10/20/2016

Page 29

1 first order -- one of our orders of business was to
2 publish that book.

3 Q. Are you involved in the management of
4 Familycourt.com?

5 A. I'm the president and board member.

6 Q. When was that formed?

7 A. About a year ago.

8 Q. Any other books that you've authored
9 editored [sic] -- excuse me, authored, edited,
10 published, et cetera?

11 A. I don't think so. I'm just -- I've written
12 so much that -- no.

13 Q. Okay. This would be a good example of if
14 you think of something later today --

15 A. Okay.

16 Q. -- that would be responsive, just feel free
17 to stop and we can go back. Okay?

18 A. Mm-hmm.

19 Q. Let's move on then.

20 MR. TIMMERMAN: I'd like to mark this,
21 please, as Exhibit No. 2 to the deposition.

22 MR. PADDEN: Thank you.

23 MR. TIMMERMAN: You bet.

24 (MacDonald Deposition Exhibit No. 2
25 marked for identification.)

Michelle MacDonald Shimota

10/20/2016

Page 30

1 BY MR. TIMMERMAN:

2 Q. Ms. MacDonald, this has been marked as
3 Exhibit 2 to your deposition. Please take a moment
4 to review it and let me know when you're ready.

5 A. I'm ready.

6 MR. TIMMERMAN: Go off the record for
7 one moment.

8 THE VIDEOGRAPHER: Going off the record
9 at 9:10 a.m.

10 (Brief discussion off the record.)

11 THE VIDEOGRAPHER: Back on the record
12 at 9:11 a.m.

13 BY MR. TIMMERMAN:

14 Q. Ms. MacDonald, do you recognize this
15 document?

16 A. Yes.

17 Q. Who drafted it?

18 A. I believe that it was sent to me by this
19 group, the Judicial Election Committee, for editing
20 and that I put it out, I drafted it.

21 Q. I'm sorry, they -- the --

22 A. It was -- they started a draft, and then I
23 finished it. So it was drafted -- you know, by me.

24 Q. Okay. And this was -- it says on the last
25 page, prepared and paid for by MacDonald for

Michelle MacDonald Shimota

10/20/2016

Page 31

1 Justice, is that correct?

2 A. Right.

3 Q. And this was an official campaign release of
4 MacDonald for Justice?

5 A. Yes.

6 Q. And this relates to 2014 Supreme Court
7 election, correct?

8 A. Yes.

9 Q. If you could please turn to the pages with
10 the number 659 at the top of it, flipping over to
11 660. Who are these individuals that are listed on
12 659 and 660?

13 A. They were the judicial selection committee
14 at the time.

15 Q. For the republican party?

16 A. Yes. It's made up of there's ten judicial
17 districts, just so you understand, and there's two
18 appointed representatives from each district that
19 wrote this.

20 Q. And Tim Kinley is listed here. He's got a
21 show called "Speechless," right?

22 A. Right.

23 Q. You've appeared on that show before,
24 correct?

25 A. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 32

1 Q. Did you appear on that show voluntarily?

2 A. Yes.

3 Q. And you've discussed this lawsuit on that
4 show, correct?

5 A. No, I don't know that I -- I mean, I
6 discussed the incident on the show, yes.

7 Q. You've discussed the allegations in your
8 First Amendment complaint on the show, correct?

9 A. I hadn't had the lawsuit, the lawsuit wasn't
10 filed at that time.

11 Q. You discussed your courtroom arrest on
12 Speechless, though, correct?

13 A. Yes.

14 Q. And your subsequent incarceration, correct?

15 A. Yes.

16 Q. If you could please turn to the page
17 numbered 671 at the top. First full paragraph on
18 that page starts with Judge Leslie Metzen. Do you
19 see that?

20 A. Yes.

21 Q. And the last sentence of that paragraph
22 reads, "So her husband's camera with 2,000 personal
23 photos has not been returned to her," and the word
24 "husband's" is italicized. Do you see that?

25 A. Right.

Michelle MacDonald Shimota

10/20/2016

Page 33

1 Q. So the digital camera that was seized from
2 you on September 12, 2013, was that your husband's
3 camera?

4 A. He had purchased it, but it was a family
5 camera. I took all the pictures, not all of them,
6 but he took them, too.

7 Q. How frequently did you use that digital
8 camera prior to September 12, 2013?

9 A. Well, I had taken over 3,000 pictures, so
10 pretty regularly.

11 Q. Why did you bring that particular camera
12 with you to court on September 12, 2013?

13 A. It happened to be in my bag, my pocketbook.

14 Q. Why did you decide to use it at the
15 courthouse that day?

16 A. Because the trial that I was going to had
17 been marked cancelled on a public roster.

18 Q. The public roster hanging outside of the
19 courthouse -- the courtroom, excuse me?

20 A. No, online.

21 Q. The online docket read that the trial had
22 been cancelled?

23 A. Yes.

24 Q. So did you intend to photograph the
25 courtroom docket hanging outside of the courtroom to

Michelle MacDonald Shimota

10/20/2016

Page 34

1 demonstrate that the trial was actually proceeding?

2 A. I went -- when I went through the -- it was
3 the second day of trial when I went -- did I intend
4 to take a picture -- there is no docket. I took a
5 picture of the -- at the clerk's office I believe I
6 took a picture of the docket, the paper docket that
7 was there.

8 Q. Okay. That makes sense. And you also
9 photographed Deputy Timothy Gonder that day,
10 correct?

11 A. Yes.

12 Q. And that was inside courtroom 1F I believe
13 at the courthouse?

14 A. Yes.

15 Q. Why did you decide to photograph Deputy
16 Gonder?

17 A. He was smiling and waving.

18 Q. Had you taken photographs inside a courtroom
19 at the Dakota County Judicial Center before
20 September 12, 2013?

21 A. Yes.

22 Q. Why?

23 A. I don't remember why. It could have been
24 adoption hearings, sometimes with my clients I would
25 take photographs at the courthouse.

Michelle MacDonald Shimota

10/20/2016

Page 35

1 Q. Have you taken any photographs inside the
2 Dakota County Judicial Center since September 12,
3 2013?

4 A. Not that I can recall.

5 MR. TIMMERMAN: Will you please mark
6 this as Exhibit 3 to the deposition.

7 (MacDonald Deposition Exhibit No. 3
8 marked for identification.)

9 BY MR. TIMMERMAN:

10 Q. Ms. MacDonald, you've been handed what's
11 been marked as Exhibit 3 to the deposition. Please
12 take a moment and have a look.

13 Have you had a chance to review this
14 document?

15 A. I've never seen it before.

16 Q. Okay. Do you see --

17 A. And I'm not going to -- I'll have to review
18 it.

19 Q. Well, please take a moment. Do you see in
20 the bottom right-hand corner there is a Bates label
21 that starts with DC and then 00056?

22 A. Right, yes.

23 Q. That indicates these were documents that
24 that have been produced by my client in this lawsuit
25 previously.

Michelle MacDonald Shimota

10/20/2016

Page 36

1 A. Okay. I've never seen this. I can ask my
2 attorney --

3 MR. PADDEN: No, look, he's just
4 asking. I think he wants to ask you questions about
5 it, so --

6 THE WITNESS: Okay.

7 MR. PADDEN: If you feel like you need
8 to read the whole thing, you know, that's fine. But
9 if you can just generally familiarize yourself with
10 it I think that's what he would like, and then he
11 presumably will ask you specific questions.

12 Am I right, Counsel?

13 MR. TIMMERMAN: You're right.

14 MR. PADDEN: Okay.

15 BY MR. TIMMERMAN:

16 Q. Just let me know when you're ready.

17 A. I -- I -- I like to read things carefully,
18 so --

19 MR. PADDEN: Well --

20 A. -- ask away.

21 MR. PADDEN: Do you feel you need to
22 read the whole thing before he asks you questions?

23 THE WITNESS: I haven't seen this
24 before, and I don't know who it was generated by.
25

Michelle MacDonald Shimota
10/20/2016

Page 37

1 BY MR. TIMMERMAN:

2 Q. Well, I'll represent to you if you look at
3 the bottom right-hand corner of the document it
4 says, creation; Christopher T. Melton, September 12,
5 2013.

6 A. Mm-hmm.

7 Q. Do you have any reason for disputing that
8 Sergeant Melton created this incident report on
9 September 12, 2013?

10 MR. PADDEN: I guess lacks foundation.
11 But go ahead and answer.

12 A. I don't know. He -- I have no -- I do I
13 guess. I don't know when this was generated. I
14 have not seen it before.

15 Q. Okay. Could you turn to the second page,
16 please, it's labeled DC 00057.

17 A. Mm-hmm.

18 Q. Top of that page, do you see the sentence in
19 the first paragraph that begins with Deputy Gonder?

20 A. Mm-hmm.

21 Q. And it reads, Deputy Gonder gave me the
22 camera and I went back to the hallway to speak with
23 Judge Knutson.

24 Do you see that?

25 A. Yes.

1 Q. Okay. Do you have any knowledge regarding
2 Sergeant Melton taking the digital camera to Judge
3 Knutson?

4 A. No.

5 Q. Any reason for disputing that it was
6 Sergeant Melton who took the camera to Judge
7 Knutson?

8 A. I -- he did some testimony on this, and I
9 thought it was both of them. He testified in court
10 about this, Melton and Gonder.

11 Q. Okay.

12 A. So that would be their -- that would be
13 them. I have no personal knowledge of what took
14 place.

15 Q. And the next sentence reads, I advised him,
16 him here means Judge Knutson, of the situation and
17 asked if I could have a verbal court order to look
18 at the phone's pictures. And I think he means
19 camera there because he's talking about the camera
20 in the previous sentence. He said, yes, and I
21 turned the camera on and observed the picture she
22 had taken of Deputy Gonder.

23 Do you see that?

24 A. Yes.

25 Q. Okay. Do you have any personal knowledge

Michelle MacDonald Shimota

10/20/2016

Page 39

1 regarding any conversations that occurred between
2 Judge Knutson and Sergeant Melton on that day?

3 A. Just what they said.

4 Q. Do you have any reason for disputing that
5 Judge Knutson gave Sergeant Melton permission to
6 search your digital camera?

7 A. No.

8 Q. Do you recall Sergeant Melton giving you
9 copies of Minnesota Rule, General Rule of Practice
10 4.01, on September 12, 2013?

11 A. Yes.

12 Q. And do you recall Sergeant Melton giving you
13 a copy of Minnesota Statute, Section 588.20 on
14 September 12, 2013?

15 A. I believe he did.

16 Q. Now, you've produced Rule 4.01 and Section
17 588.20 in the lawsuit. Are those the copies that
18 Sergeant Melton gave you that day?

19 A. They were copies found in my property bag.

20 Q. So did he physically hand you the rule and
21 the statute that day, copies of them?

22 A. I don't remember him physically handing it
23 to me, he -- he took it back, he -- I don't recall.

24 Q. Okay. He showed it to you and then took it
25 back to the desk --

Michelle MacDonald Shimota

10/20/2016

Page 40

1 A. I don't recall exactly how it went, but I
2 recall them bringing me the statute and the rule,
3 and I told them I didn't break a rule or a statute.

4 Q. Who is Michael Rhedin or Rhedin? How is it
5 pronounced?

6 A. Rhedin.

7 MR. TIMMERMAN: And for the court
8 reporter it's spelled R-H-E-D-I-N.

9 Q. Who is he?

10 A. He was Sandra Grazzini-Rucki's boyfriend.

11 Q. In September of 2013?

12 A. I don't know that they were dating then. He
13 was a supporter of hers, but he was -- he was her --
14 he was her boyfriend.

15 Q. Were they married or just
16 boyfriend/girlfriend?

17 A. Well, that's between them. My understanding
18 is they -- they -- no, they weren't married.

19 Q. On September 12, 2013 after your camera had
20 been taken, do you recall Sergeant Melton informing
21 you that you would be getting a ticket and then you
22 would be released?

23 A. No, I don't, I don't recall that.

24 Q. Do you recall Sergeant Melton asking you for
25 your full name, your date of birth, and your

Michelle MacDonald Shimota

10/20/2016

Page 41

1 address?

2 A. I recall him asking me for my name.

3 Q. What about your date of birth and address?

4 A. I don't remember date of birth or address.

5 Q. Was it your understanding that you'd be
6 issued a citation and then released if you provided
7 your full name, date of birth, and address?

8 A. No.

9 Q. You were never told that at any point by
10 anyone?

11 A. No.

12 Q. So Deputy Gonder never told you that,
13 correct?

14 A. No.

15 Q. If you look again on page DC 00057, at the
16 paragraph starting at 1010 hours, do you see that
17 paragraph?

18 A. Mm-hmm.

19 Q. The fifth line down midway through there's a
20 sentence that begins, I explained. Do you see that?

21 A. Mm-hmm.

22 Q. I explained, this is Sergeant Melton, I
23 explained that she was getting a ticket and then
24 would be released.

25 It's your testimony today that Sergeant

Michelle MacDonald Shimota

10/20/2016

Page 42

1 Melton never explained that to you?

2 A. I don't think he explained it in that way.
3 He was ask -- he asked me my name. I said, you know
4 my name.

5 Q. How did he explain it to you?

6 A. He didn't -- he just -- it -- he -- he -- I
7 was saying I didn't do anything. Then he was
8 bringing me this statute. I said, I didn't violate
9 it. It wasn't a statute. I didn't violate the
10 statute. I didn't violate it. That's how the
11 conversation went.

12 Q. Did you provide Sergeant Melton with your
13 full name?

14 A. I said, you know my name, that was my
15 answer.

16 Q. Did you at any point in time provide
17 Sergeant Melton with your full name?

18 A. No, I think I said, you know my name.

19 Q. Did you provide any other courthouse staff
20 with your name that day, Deputy Gonder, Sergeant Jen
21 Cho, Deputy Napper, did you give any of them your
22 full name?

23 A. I announced it in court.

24 Q. You did?

25 A. I said, you know, that's what you do when

Michelle MacDonald Shimota
10/20/2016

Page 43

1 you're in court. Yes, I announced that I was, you
2 know, Michelle MacDonald representing Sandra
3 Grazzini-Rucki.

4 Q. Did you provide Sergeant Melton with your
5 date of birth on September 12, 2013?

6 A. No.

7 Q. Did you provide him with your address that
8 day?

9 A. No.

10 Q. Did you provide Deputy Gonder with your full
11 name, date of birth, or address that day?

12 A. No.

13 Q. How about Sergeant Cho?

14 A. Cho?

15 Q. Cho. Female sergeant with whom you
16 interacted in the jail holding cell.

17 A. I should write that name down. No.

18 Q. Did you provide Deputy Napper with your full
19 name, your address, and your date of birth that day?

20 A. No.

21 Q. Why not?

22 A. I don't know. I don't know.

23 Q. Why wouldn't you have cooperated with them
24 that day?

25 A. I was cooperating with them.

Michelle MacDonald Shimota
10/20/2016

Page 44

1 Q. But you agree that you weren't providing
2 information that they asked you for, correct?

3 A. I was cooperating with them fully.

4 Q. But it's fair to say that you did not
5 provide them with requested information, correct?

6 A. When they asked me my name I said, you know
7 my name.

8 Q. And did they ask you your date of birth?

9 A. I don't recall.

10 Q. Did they ask you for your address?

11 A. I don't recall.

12 Q. So you made the decision rather than telling
13 them your full name just to say you already know my
14 name, something to that effect?

15 A. They knew my name, yes.

16 Q. At any point in time was it explained to you
17 that you would be issued a citation and immediately
18 released if you just provided this information?

19 A. I don't recall them saying just take the
20 citation and you'll be released. I recall them
21 showing me the statute, almost trying to negotiate.
22 And I said, well -- they brought me the statute,
23 they brought me the rule, and I said I didn't break
24 this rule or this statute. That was how the
25 conversation went and -- and it was --

Michelle MacDonald Shimota

10/20/2016

Page 45

1 Q. Do you recall --

2 A. That's how it went.

3 Q. Do you recall Sergeant Melton testifying in
4 court on September 12, 2013 that if you just
5 provided your full name, your address, and your date
6 of birth you'd be issued a citation and released?

7 A. The -- he testified to what he testified to.

8 Q. Okay. Well, let's look at his testimony
9 then.

10 MR. PADDEN: So is your question, Jeff,
11 whether he said what he said in the courtroom?

12 Q. I'm asking whether she has any reason for
13 disputing that he testified in open court that you
14 would be issued a citation and released if you
15 simply provided your full name, your address, and
16 your date of birth to courthouse staff. Any basis
17 for disputing that?

18 A. His testimony? The fact that he testified
19 to that?

20 MR. PADDEN: Just to be clear for the
21 record, are you asking her whether when he said that
22 he was being honest?

23 Q. What I'm asking, you're saying you don't
24 recall anyone telling you that that day, correct?

25 A. Right.

Michelle MacDonald Shimota
10/20/2016

Page 46

1 Q. And he -- Sergeant Melton testified to
2 precisely that in court that day. Were you present
3 for his testimony?

4 A. It wasn't that day. It was months later.
5 It was months later when he testified to that. I --
6 I --

7 MR. PADDEN: Just wait for the next
8 question.

9 (MacDonald Deposition Exhibit No. 4
10 marked for identification.)

11 BY MR. TIMMERMAN:

12 Q. Ms. MacDonald this is Exhibit 4 to your
13 deposition. Take a moment to familiarize yourself
14 with it.

15 MR. PADDEN: Have you had a chance to
16 look at it, Michelle? He's going to ask you
17 specific questions.

18 THE WITNESS: Yes.

19 BY MR. TIMMERMAN:

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. And this is an affidavit of Judge David
23 Knutson, and an exhibit to that affidavit submitted
24 in the State of Minnesota versus Michelle MacDonald
25 Shimota, correct?

Michelle MacDonald Shimota
10/20/2016

Page 47

1 A. Yes.

2 Q. This was the criminal case that was
3 precipitated by your arrest on September 12, 2013,
4 correct?

5 A. Right.

6 Q. Okay. If you could turn please to Exhibit
7 A, page 44 of the partial court transcript here. Do
8 you see that?

9 A. Hm.

10 Q. So at the top of the page, Ms. MacDonald,
11 you say, can I take a break to get a 2011 calendar.

12 And the court says, we'll take our 15-minute
13 morning break at this time, and then a recess was
14 taken.

15 Do you see that?

16 A. Right.

17 Q. Does that track your recollection of events
18 that day?

19 A. Well, actually the judge gave me a break
20 to -- I didn't ask for the break. He said, good
21 time to take a morning break as I was looking for
22 the calendar.

23 Q. Okay. And then after the recess the court
24 says, all right. We took a break. Ms. MacDonald
25 wanted a calendar. What -- what's happened since

Michelle MacDonald Shimota

10/20/2016

Page 48

1 then, Deputy.

2 And Deputy Melton testified or states on the
3 record, Sergeant Christopher Melton, Dakota County
4 Sheriff's Office. This morning before court
5 convened Ms. MacDonald was seen taking paragraphs of
6 the courtroom. To expedite the court process we
7 waited until a break for her to get a misdemeanor
8 citation. After giving her the citation she was
9 going to be released. I went up to her during
10 break, told her she was under arrest for the offense
11 of Contempt of Court, told her she was not going to
12 be handcuffed, we just needed to get her name, date
13 of birth, and address for the ticket and she'd be
14 released. She has refused. She is still refusing.

15 Were you in the courtroom when Deputy Melton
16 stated this on the record?

17 A. Yes.

18 Q. And on the next page Deputy Melton says at
19 the top of the page, and for the record, as soon as
20 she gives me her full name, date of birth, and
21 address, I will give her her citation and she will
22 be released.

23 Do you see that?

24 A. Right.

25 Q. Were you in the courtroom for that portion

Michelle MacDonald Shimota

10/20/2016

Page 49

1 of Deputy Melton's -- excuse me, Sergeant Melton's
2 record talk, testimony?

3 A. Yes.

4 Q. You were?

5 A. Yes.

6 Q. Does this refresh your recollection that on
7 September 12, 2013 you were told by Sergeant Melton
8 that if you simply provided your full name, your
9 address, and your date of birth you would be issued
10 a citation and released?

11 A. I was sitting there at this moment when he
12 was saying this in handcuffs with a belt, you know,
13 fastened to a belt around my waist. They had taken
14 my shoes off, my jewelry, my hair piece, my glasses,
15 and I was sitting there in a wheelchair. I was
16 already under arrest. I -- this was a trial. I
17 was -- all my boxes and paperwork was gone. That
18 was the context of it. I wasn't -- that was the
19 context of it. He didn't give me a ticket. I don't
20 understand how he could say he is going to give me a
21 ticket and then I would be released and I could be
22 sitting there under arrest at my client's trial.

23 Q. And I understand that --

24 A. And so it -- it -- it does and it doesn't.
25 It doesn't make sense to me. You give -- you just

Michelle MacDonald Shimota

10/20/2016

Page 50

1 get a ticket. What is -- what's -- what is
2 happening here. That -- that was my recollection.
3 I didn't know what was happening.

4 Q. So it's your testimony that you didn't know
5 you would be issued a citation --

6 A. He could have just done it right then and
7 there.

8 Q. May I finish my question, please? It's your
9 testimony that you were not aware on September 12,
10 2013 that if you simply provided Sergeant Melton
11 with your name, your address, and your date of birth
12 you would be issued a citation and released?

13 A. It doesn't -- he -- he could have just
14 issued me the citation right then and there and
15 released me. I don't understand -- if he's saying
16 that, then why doesn't he just issue a citation and
17 release me. If he's saying that's all I'm going to
18 do, then why doesn't he just do that.

19 Q. Because you --

20 A. I was under arrest, that was --

21 MR. PADDEN: Let me see if I can help
22 here, Jeff. I think what you're asking her is does
23 she recall hearing this in court, A, and then B,
24 does it refresh her memory that that's what
25 happened. Is that fair?

Michelle MacDonald Shimota

10/20/2016

Page 51

1 MR. TIMMERMAN: Correct.

2 MR. PADDEN: You have to answer that
3 question, Michelle. So the first part would be do
4 you recall, remember him saying that in court, and
5 then did it happen before he made that record. Is
6 that fair?

7 MR. TIMMERMAN: That's fair.

8 A. I -- I really don't recall. I just was
9 sitting there in -- in a shock. I don't know
10 what -- I didn't know what was happening. I felt
11 like I was in like the twilight zone. I honestly --
12 I don't recall. I don't recall.

13 Q. Well, Deputy Melton --

14 A. It doesn't refresh my memory even. I just
15 don't recall. It doesn't make sense even now
16 reading this.

17 Q. What doesn't make sense?

18 A. It doesn't make sense why I would be sitting
19 there in handcuffs and somebody would be saying all
20 we want to do is give her a ticket. Then give me
21 the ticket. What are you doing to me here?

22 Q. But --

23 A. That -- that's the -- yeah, I was in a total
24 shock of that day. It was nonsensical to me what
25 was happening.

Michelle MacDonald Shimota

10/20/2016

Page 52

1 Q. Sergeant Melton is saying here that he
2 needed your name, your date of birth, and your
3 address to issue you the ticket. And you testified,
4 at least with respect to your name, you didn't
5 provide it to him and wouldn't, correct?

6 A. I didn't -- yes, I didn't. But he knew my
7 name. It doesn't make sense. He had already
8 arrested me before that. He took me out of the
9 courtroom and had arrested me already. So where's
10 this ticket come in? He came -- they came at me and
11 arrested me already and brought me to a holding
12 cell.

13 Q. And we'll talk about that here soon
14 actually.

15 A. So this ticket thing doesn't even -- it's
16 nonsensical what you're saying. You can't make
17 sense out of it.

18 Q. Who removed your court files and belongings
19 from courtroom 1F on September 12, 2013?

20 A. I don't know. I came back and they were all
21 gone.

22 Q. Did you instruct anyone to remove those
23 materials?

24 A. No, I did not. I was taken away. I was
25 just taken away. My phone was taken, I had no

Michelle MacDonald Shimota

10/20/2016

Page 53

1 instruction ability. They just --

2 Q. Did you later learn who removed --

3 A. -- removed me --

4 Q. Did you later learn --

5 A. -- for nothing.

6 Q. Did you later learn who removed your court
7 files and belongings from the courtroom that day?

8 A. I have the video.

9 Q. Who removed them?

10 A. My client.

11 Q. Sandra Grazzini-Rucki?

12 A. Yes.

13 Q. Was Dede Evavold also there that day?

14 A. Yes.

15 Q. Did she help you move those items?

16 A. Looks that way.

17 Q. Was Michael Rhedin there that day?

18 A. He was.

19 Q. Did he help remove those items?

20 A. I don't know if he helped.

21 Q. Did you have an associate attorney there
22 with you that day?

23 A. No.

24 Q. Did you have any of your office staff with
25 you that day?

Michelle MacDonald Shimota

10/20/2016

Page 54

1 A. No.

2 Q. Did you ever attempt to contact Sandra
3 Grazzini-Rucki to get her back in the courtroom on
4 September 12, 2013?

5 A. I couldn't, I was under arrest. Your --
6 your deputies took me away and never -- there was no
7 ability. What are you talking about? That doesn't
8 make sense.

9 Q. Do you recall Judge Knutson telling you on
10 the record at the hearing that day that if you
11 needed to make a phone call to get your belongings
12 and your files you could do that?

13 A. And I said they took my phone.

14 Q. Did you ask to use the court's phone?

15 A. No, I didn't. I was under arrest. What
16 kind of questions are these? I was sitting there --

17 MR. PADDEN: Hey, hey, just --

18 A. -- under arrest.

19 MR. PADDEN: Just answer his questions.

20 THE WITNESS: Okay.

21 MR. PADDEN: Okay?

22 MR. TIMMERMAN:

23 Q. Did you ask for your cell phone back so you
24 could call and get your client and your files?

25 A. I was in a shock. I was silent. I was -- I

Michelle MacDonald Shimota

10/20/2016

Page 55

1 didn't know what to say.

2 Q. So my question --

3 A. No.

4 Q. You did not ask?

5 A. No, I did not.

6 Q. Did you at any point in time ask for your
7 glasses or your shoes when you were sitting at the
8 counsel table --

9 A. No.

10 Q. -- in the courtroom?

11 A. No.

12 Q. I'm sorry, could you let me finish my
13 question? My question was, did you -- while you
14 were sitting at the counsel table did you at any
15 point in time ask for your glasses or your shoes?

16 A. No.

17 Q. Why not?

18 A. I was in a -- I was under arrest. I was in
19 shock. I -- I -- I was -- I didn't even understand
20 what was going on. I was -- I -- I -- I was in a
21 different form. I wasn't the attorney on the case.
22 I was in a -- in a -- in a state of -- I couldn't
23 fathom what was happening to me, that's why.
24 You're -- you're -- you're acting as if this is --
25 it's -- yeah.

Michelle MacDonald Shimota

10/20/2016

Page 56

1 MR. PADDEN: Is Knutson 4?

2 MR. TIMMERMAN: Yes.

3 MR. PADDEN: Okay.

4 (MacDonald Deposition Exhibit No. 5
5 marked for identification.)

6 BY MR. TIMMERMAN:

7 Q. Ms. MacDonald, this is Exhibit 5 of your
8 deposition. I presume that you're familiar with
9 this document, correct?

10 A. Yes.

11 Q. And these are your amended interrogatory
12 answers in this lawsuit, correct?

13 A. Yes.

14 Q. Is that your signature on the last page,
15 page 5?

16 A. Yes.

17 Q. Now, with respect to your Fourteenth
18 Amendment claim, it's my understanding that you
19 claim both the conditions of your confinement in the
20 courtroom holding cell on September 12, 2013 and the
21 conditions of your confinement at the Dakota County
22 jail on September 12th and 13th of 2013 violated
23 your substantive due process rights, is that
24 correct?

25 A. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 57

1 Q. Beyond these two periods of confinement, are
2 there any other -- is there any other basis for your
3 Fourteenth Amendment conditions of confinement claim
4 or is it just these two things?

5 A. I don't know. I -- I don't know.

6 Q. If you could turn please to -- actually, you
7 don't need to turn at all. Do you see interrogatory
8 number 6 on the first page of this document? Do you
9 see that on the first page?

10 A. Oh, on the first page.

11 MR. PADDEN: To which answer? To which
12 interrogatory, Counsel?

13 THE WITNESS: 6.

14 MR. TIMMERMAN: Answer to number 6.

15 BY MR. TIMMERMAN:

16 Q. Do you see that?

17 A. Yes.

18 Q. Does your amended answer to interrogatory
19 number 6 set forth in this document identify all of
20 the ways in which you claim your Fourteenth
21 Amendment rights were violated in the courtroom
22 holding cell area on September 12th of 2013?

23 A. I -- yes, in the sense that you can't write
24 everything down over a 30-hour period.

25 Q. I'm talking about --

Michelle MacDonald Shimota

10/20/2016

Page 58

1 A. These were the main points, yes.

2 Q. Okay. I'm talking about the courtroom
3 holding cell area right now. We'll talk about the
4 jail later. But right now I'm talking about the
5 holding cell area. My question for you is, have you
6 laid out in this answer to interrogatory number 6
7 all of the ways in which you claim your Fourteenth
8 Amendment rights were violated in that courtroom
9 holding cell?

10 MR. PADDEN: Objection; asked and
11 answered. Go ahead and answer.

12 A. It's the gist of it, yes.

13 Q. Explain to me how you ended up in that
14 courtroom holding cell area.

15 A. The deputies took me away and brought me
16 there.

17 Q. Was this during a morning recess?

18 A. The judge called a morning break so that I
19 could get an exhibit.

20 Q. The exhibit --

21 A. And when the judge got off the bench the
22 deputies came at me and brought me to the back.

23 Q. Were you handcuffed when you were brought to
24 the back?

25 A. No.

Michelle MacDonald Shimota

10/20/2016

Page 59

1 Q. How long were you initially back in the
2 courtroom holding cell area?

3 A. I -- I don't recall the exact time. It was
4 awhile.

5 Q. And then at some point you were brought
6 back, correct?

7 A. Oh.

8 Q. To the courtroom?

9 A. Oh, you mean at that point -- yeah they were
10 there, and then they -- they -- yeah, it wasn't that
11 simple. There's a lot of details, but the -- at
12 some point they just said that's it and they took my
13 clothing and my shoes and my jewelry and my glasses
14 and my earrings and my cross and put me in handcuffs
15 and then put me in a cell. And I was in a cell in
16 handcuffs.

17 Q. For how long?

18 A. I don't recall the length of time. It
19 seemed like a long, long, time.

20 Q. Is it fair to say that the video would show
21 when you were in that courtroom holding cell area?

22 A. Yes.

23 Q. And when you said that they took your
24 clothing, the only piece of clothing taken from you
25 was your blazer or dress coat, right?

Michelle MacDonald Shimota

10/20/2016

Page 60

1 A. Right.

2 Q. And then your shoes as well, correct?

3 A. Yes.

4 Q. So I'm trying to understand big picture
5 here. You're originally taken back to a courtroom
6 holding cell area and then you're brought back to
7 courtroom 1F. How many times did you go back and
8 forth in total between the courtroom holding cell
9 area and courtroom 1F?

10 A. My recollection is they brought me to the
11 holding cell area, handcuffed me, put me in the jail
12 cell, brought me back out to -- for the morning
13 session. And then the judge took a lunch break,
14 they brought me back in -- into the holding area in
15 the handcuffs and the wheelchair, and then I was in
16 the cell at that point.

17 And then they brought me back out to the
18 courtroom again for the afternoon session. And then
19 they brought me -- then the judge concluded the
20 trial. And then they brought me back again to that
21 area. I'm not sure whether they put me back in the
22 cell or how that all worked, but it was more than --
23 it was back and forth in that condition.

24 Q. Okay. Thanks for that. So it's three
25 visits in total, you went there, you came out, you

Michelle MacDonald Shimota

10/20/2016

Page 61

1 went there, you came out again, and then you went
2 back?

3 A. I went there -- they brought me, took me
4 away, put me in the cell, brought me back out, took
5 me away, put me in a cell, brought me back out, and
6 then took me away again. So, yeah. Then when the
7 trial was over, I was -- I was in handcuffs from
8 like beginning to end.

9 Q. While you were in that courtroom holding
10 cell area, did anyone tell you that you would be
11 released if you provided your full name, your date
12 of birth, and your address?

13 A. I don't recall. But I didn't get a ticket.
14 So you just give somebody a ticket. Isn't that how
15 it works?

16 Q. So my question --

17 A. I was under arrest already.

18 Q. You don't recall, and that's fine.

19 A. I don't recall.

20 Q. If Sergeant Melton testifies that you were
21 repeatedly told in the courtroom holding cell area
22 that you would be released if you just provided your
23 full name --

24 A. But I was --

25 Q. Let me --

Michelle MacDonald Shimota

10/20/2016

Page 62

1 A. -- I was already --

2 MR. PADDEN: Let him finish the
3 question, Michelle, with all due respect.

4 Q. If Sergeant Melton testifies, and I think he
5 will in this lawsuit, as will others, that you were
6 repeatedly told in the courtroom holding cell area
7 that if you simply provided your full name, your
8 date of birth, and your address you would be
9 released, do you have any evidence that would refute
10 that testimony?

11 A. No. Just doesn't make sense at all.

12 Q. Who initially took --

13 A. Because I'm already under arrest and in
14 handcuffs. That is nonsensical that they're saying
15 just give us your name. I'm already under arrest.
16 That just doesn't -- it's nonsensical to me.

17 Q. Who initially --

18 A. I don't know how that even makes sense.

19 Q. Okay. There's no question pending. Who
20 initially took you to the courtroom holding cell
21 area that first time?

22 A. I believe it was two of the deputies. It
23 might have been three.

24 Q. Do you know their names?

25 A. I -- at the time I didn't. It was like

Michelle MacDonald Shimota

10/20/2016

Page 63

1 swarms of bees, you know, you just -- they're all
2 dressed the same. I wasn't paying any attention to
3 them during the trial. I think on the video it
4 shows it was Gonder and Melton. I'm not remembering
5 if there was a third one.

6 Q. Okay. Now, you claim in the interrogatory
7 number 6 in your answer here, your amended answer,
8 that you were taunted in the courtroom holding cell
9 area. What did you mean by that?

10 A. They taunted me by saying -- you know, like
11 there were -- there were prisoners in the glass
12 area, because there's like a glass area there, and
13 they said things like, well, you're an attorney and
14 you don't know what to do, and these prisoners know
15 what to do. They also said, who do you think you
16 are, Nelson Mandela. When I started to cry they --
17 for my husband, they said, you know, crocodile
18 tears. So that kind of taunting, like you're --
19 you're a nothing, you're a piece of crap, you --
20 you -- you are stupid. That kind of atmosphere was
21 created by them.

22 And this was after we -- I mean, we were
23 talking about -- you know, they brought the -- and I
24 said I didn't do anything. They already knew I
25 didn't do anything. You look at it and you know

Michelle MacDonald Shimota

10/20/2016

Page 64

1 that I didn't commit a crime, and I didn't violate
2 the rule. You already know looking at it. So that
3 they were talking to me, so. There was nothing that
4 I did criminal obviously. So it was crazy making.

5 Q. Did any of the deputies call you a nothing?

6 A. Not verbally, no.

7 Q. Did any of the deputies call you stupid?

8 A. No. Those aren't the words they used.

9 Q. Did any of the deputies call you a piece of
10 crap?

11 A. Those weren't the words they used.

12 Q. Any other way in which you were taunted in
13 that courtroom holding cell area?

14 A. Another that I recall at this time it was,
15 you know -- it was -- it was those types of things
16 that were happening.

17 Q. This Nelson Mandela comment I've seen
18 recycled over and over again here, can you give me
19 some context for how that comment came up, what you
20 said, what they said?

21 A. I was, again, under arrest or whatever you
22 want to call it. And that's -- I believe it was
23 Gonder that said that. Gonder was, who do you think
24 you are, Nelson Mandela.

25 Q. What was the context of him saying that?

Michelle MacDonald Shimota

10/20/2016

Page 65

1 A. The context of him saying it is I'm -- I'm
2 under arrest, I'm -- I'm in a -- I can't even
3 understand what's happening at this point. That was
4 the context.

5 Q. Let me try and clarify a little bit. Was
6 this comment said to you on the heels of the
7 deputies trying to get you to give them their full
8 name -- your full name, excuse me?

9 A. I don't recall that. I don't recall. It
10 was a -- again, like I say, it was a shocking -- it
11 was just absolutely shocking what I was experiencing
12 at that time, because I had done nothing wrong,
13 nothing whatsoever.

14 Q. Well, you keep saying you did nothing wrong,
15 but Judge Knutson ultimately found that there was
16 probable cause for your arrest, correct?

17 A. Well, that --

18 Q. It's a yes or no question.

19 A. Yes. But, you know, that I didn't -- I
20 didn't do a crime. She -- she knew that. I don't
21 understand what you're talking about there.

22 Q. And do you understand --

23 A. I really, it doesn't concern me what --
24 there was no -- I did nothing, absolutely nothing
25 wrong. I did nothing criminal. I didn't -- I

Michelle MacDonald Shimota

10/20/2016

Page 66

1 didn't even violate a civil rule. I did nothing
2 wrong.

3 Q. And do you --

4 A. Nothing.

5 Q. Do you understand in this lawsuit that Judge
6 Tunheim has concluded previously that there was at
7 least arguable probable cause for your arrest?
8 Correct?

9 A. I don't recall.

10 Q. Who removed your jewelry in the holding cell
11 area?

12 A. I believe it was Melton.

13 Q. Who removed your hair piece?

14 A. I believe it was Melton. You know, I might
15 have taken it off and taken off my hair piece.

16 Q. What about your glasses?

17 A. They asked -- they ordered me to strip all
18 of my things. I was just doing what they were
19 telling me to do at that point.

20 Q. Well, you've used the word strip here. I
21 just want to make sure, at no point in time on
22 September 12th or September 13th were you ever
23 stripped searched, correct?

24 A. They stripped me of all of my glasses and my
25 jewelry.

Michelle MacDonald Shimota

10/20/2016

Page 67

1 Q. Got it.

2 A. Yeah, they stripped -- and my pieces of my
3 clothing.

4 Q. And you were not strip searched at any point
5 in time on September 12th or 13th, correct?

6 A. No. If you mean by strip searched they took
7 my clothes off?

8 Q. Correct.

9 A. Is that what they do when they strip search?

10 Q. That's a strip search.

11 A. Oh, no.

12 Q. You were not strip searched?

13 A. No.

14 Q. When exactly do you claim that your gold
15 cross pendant was misplaced?

16 A. When I got home and I looked in my property
17 bag the cross was gone.

18 Q. Do you know when in the inventory process
19 you claim that it was misplaced precisely?

20 A. That is their -- for them to know. I wasn't
21 involved in any type of inventory process, they just
22 took my materials.

23 Q. Let's, if we could, review this video here.
24 I will -- I will note that this video was produced
25 in this litigation as confidential subject to the

Michelle MacDonald Shimota

10/20/2016

Page 68

1 protective order.

2 And you recognize this video footage,
3 correct?

4 A. Yes.

5 Q. In fact, you produced in this litigation a
6 CD or DVD to me with three videos on it, correct?

7 A. I subpoenaed it from your office the week
8 following the trial, and it still has not all been
9 given to me, just so you know.

10 Q. Did you ever obtain a --

11 A. I subpoenaed all of the -- all of the video
12 from both days and from September 6, and it's
13 been -- your office has not given it to me. That
14 was in the Grazzini-Rucki federal case.

15 Q. Did you obtain this video in your criminal
16 case?

17 A. Yes.

18 Q. Did you obtain the courtroom video in your
19 criminal case, too?

20 A. Yes.

21 Q. It's my understanding that there were three
22 videos in your criminal case that were provided to
23 Mr. Grigsby, the courtroom video, this video, and
24 then another video of the holding cell area?

25 A. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 69

1 Q. Have you ever disseminated that video to
2 anyone?

3 A. No.

4 Q. You've never provided a copy to --

5 A. I -- I -- I was not -- oh, probably, yes,
6 I've provided of a copy of that video.

7 Q. Who have you provided it to?

8 A. Of that video? I had no obstructions with
9 that one.

10 Q. Of the video you received in your criminal
11 case.

12 A. The video I received in my criminal case
13 once the criminal case was over I don't even recall
14 who I -- it wasn't a problem to do that, so.

15 MR. PADDEN: He's not asking that.
16 He's just asking who.

17 A. Yeah, I don't know exactly who.

18 Q. More than one person?

19 A. Perhaps.

20 Q. Did you provide any of that footage to Terry
21 Nemmers?

22 A. No, I didn't. He got it on his own.

23 Q. How did he get it?

24 A. I believe he did a public request.

25 Q. From whom -- to whom I should say?

Michelle MacDonald Shimota

10/20/2016

Page 70

1 A. I'm not sure, you'd have to ask him.

2 Q. Do you recall one person to whom you gave
3 that video?

4 A. Since then, the two -- in the two and a half
5 years?

6 Q. Yeah.

7 A. Yeah, I gave to Sean Dooley, 20/20, it
8 was -- I gave it to my attorneys in your case. I
9 gave it to -- I guess that might be all. I don't
10 recall anyone else.

11 Q. Have you ever posted that video online?

12 A. No, I haven't. Oh, I might have just
13 recently, yes.

14 Q. Where at?

15 A. I had a -- I'm not sure because the YouTube
16 that I have and I put up the video. I put up the
17 video. And that was probably the video that I had.
18 So that is -- it's on YouTube. I don't know if it's
19 public, but it's on YouTube.

20 Q. Okay. Who is Terry D. Nemmers?

21 A. I -- he is a reporter, Lion News.

22 Q. Have you met him?

23 A. No.

24 Q. Spoken with him?

25 A. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 71

1 Q. Communicated with him by e-mail?

2 A. I don't know about by e-mail.

3 Q. Let's look at this video if we could, and
4 I'm going to try my best -- I'm basing my hard stops
5 in this video off of that time stamp at the top. Do
6 you see it? So 9-12 of '13, 10:28:49, so 10:28 a.m.
7 and 49 seconds. And technology is my friend today.
8 I'm going to make it big. I'm going to skip forward
9 here.

10 What are you talking with Deputy Napper
11 about here?

12 A. I think -- I think that's the paperwork they
13 gave me with the rule and the statute. They brought
14 that to me.

15 Q. Okay.

16 A. And they are talking about -- oh, wait a
17 minute. I -- I -- as I recall they were -- I was
18 just saying I didn't do anything, and they were
19 showing me the statute. And I was saying, well,
20 look, I didn't -- here's what it says. And it was
21 kind of like a -- like they were counseling me or I
22 was counseling that I didn't do anything wrong.

23 Q. This is Jon Napper, right?

24 A. I believe I'm -- yes.

25 Q. Who is that?

Michelle MacDonald Shimota

10/20/2016

Page 72

1 A. That is -- is that Wegner?

2 Q. Bob Wegner, okay.

3 A. And at this point I'm not knowing who's who,
4 because they're just swarms of bees to me. They
5 just all look the same. This all --

6 Q. Now we're starting in the portion of the
7 video where you're starting to take off your jewelry
8 and stuff.

9 A. Okay. Okay.

10 Q. So here you are, looks like you dropped
11 something. What did you drop? Do you know? There
12 go your earrings.

13 A. I don't recall. I still have my cross on.
14 All right. This I don't -- I don't even know --

15 Q. Where are you putting this? Into a bag?

16 A. I don't even have this video.

17 MR. PADDEN: Just answer his question,
18 Michelle.

19 Q. Are you putting these materials into a bag?

20 A. It looks that way, yeah.

21 Q. Okay.

22 MR. PADDEN: So is there a question
23 pending, Counsel? I'm sorry.

24 Q. Where on the necklace is your pendant at
25 this point?

Michelle MacDonald Shimota

10/20/2016

Page 73

1 A. It's on the necklace.

2 Q. Okay. We're almost there. I apologize, the
3 skip ability on this isn't the best.

4 MR. PADDEN: Are you trying to find
5 something, Jeff?

6 MR. TIMMERMAN: Yeah.

7 MR. PADDEN: Okay.

8 BY MR. TIMMERMAN:

9 Q. And that's Deputy Gonder, correct, who just
10 walked out of the picture?

11 A. I believe so.

12 Q. What are you doing with your necklace at
13 this point in time?

14 A. I'm taking it off. The deputy is taking it
15 off.

16 Q. This is Deputy Napper, correct?

17 A. Yes.

18 Q. Fair to say that he's helping you remove
19 your necklace?

20 A. Yeah. Right. Okay.

21 Q. Necklace is off?

22 A. Right.

23 Q. And Deputy Napper is taking off your
24 necklace, correct?

25 A. Right.

Michelle MacDonald Shimota

10/20/2016

Page 74

1 Q. And he's placing it in the inventory bag,
2 correct?

3 A. Right.

4 Q. Are you aware of whether or not that
5 necklace was ever removed from the inventory bag
6 before you received that inventory bag upon your
7 release from the jail?

8 A. It wasn't in my bag when I got home.

9 Q. Okay.

10 A. That's all I know.

11 Q. So it's your testimony that the gold cross
12 pendant was affixed to the necklace at this point in
13 time when Deputy Napper helped you --

14 A. Not affixed, it was a loose like this one, I
15 mean, it just was a necklace that I always wore.
16 See what I'm saying?

17 Q. It was one piece?

18 A. No, it wasn't one piece. I still have the
19 chain.

20 MR. PADDEN: I think what he's asking,
21 was it on the chain.

22 A. Oh, yeah, it was on the chain.

23 Q. It was on the chain?

24 A. Mm-hmm.

25 Q. Okay. So it wasn't permanently affixed, it

Michelle MacDonald Shimota

10/20/2016

Page 75

1 was more of like a charm on a chain type of --

2 A. It was, yes, it was on a chain, right.

3 Q. All right. Let's fast forward a little bit.

4 Do you know who this is?

5 A. I don't. I don't. It -- that woman?

6 Q. That's Sergeant Cho. And she's pat
7 searching you here, correct?

8 A. Yeah.

9 Q. Any issues with how you were pat searched in
10 the jail -- in the holding cell area?

11 A. I have issues with this whole thing.

12 Q. You're claiming that the pat search violated
13 your constitutional --

14 A. The whole -- the whole thing.

15 Q. Let me ask my question. Are you claiming
16 that this pat search violated your constitutional
17 rights?

18 A. I don't know. The whole thing.

19 Q. Any recollection of what you were discussing
20 with the deputies at this point in time?

21 A. No.

22 MR. PADDEN: Did you hear her answer,
23 Madam Court Reporter?

24 THE REPORTER: Mm-hmm.

25 A. No.

Michelle MacDonald Shimota

10/20/2016

Page 76

1 Q. Okay. So the video is at 10:45:25. We're
2 approaching the point where you're going to be
3 handcuffed. Do you recall being handcuffed at this
4 point in time? That's what's going on here, right?

5 A. Mm-hmm. Yes.

6 Q. And that's Deputy Napper handcuffing you
7 with the assistance of Sergeant Cho, correct?

8 A. Yes.

9 Q. And then at 10:46:00 you're placed in the
10 cell by Sergeant Cho, correct?

11 A. Yes.

12 Q. And she removes your shoes, correct?

13 A. Yes.

14 Q. Let's skip forward a little bit. I have one
15 more question about this particular piece of the
16 video. At the 10:57 mark the cell door is open,
17 correct?

18 A. Yes.

19 Q. And you're in the cell, correct?

20 A. Yes.

21 Q. And wheelchair approaches at 10:57:45,
22 correct?

23 A. Yes.

24 Q. It looks like it's Sergeant Melton --

25 A. Yeah.

Michelle MacDonald Shimota

10/20/2016

Page 77

1 Q. -- and Deputy Napper that assists you in
2 sitting in the wheelchair, correct?

3 A. Four of them.

4 Q. Sergeant Napper and Deputy Melton actually
5 lifted you, correct?

6 A. There were four deputies on me at this
7 point.

8 Q. Why were you placed in a wheelchair?

9 A. You'll have to ask them. I -- I was in a
10 shock.

11 Q. Is it fair to say that you refused to stand
12 up and walk out --

13 A. I was under arrest and in a cell and in
14 handcuffs and all of my liberties were completely
15 gone to move.

16 Q. Were you given the option of standing and
17 walking back to the courtroom on your own volition?

18 A. I don't recall.

19 Q. Is it fair to say that you refused to stand
20 and walk on your own volition and that's why you
21 were placed in a wheelchair?

22 A. No, that's not fair.

23 Q. Why is that not fair?

24 A. Because I was in circumstances, I just --
25 it's not fair.

Michelle MacDonald Shimota

10/20/2016

Page 78

1 Q. Did you refuse to stand up?

2 A. I don't recall.

3 Q. Did you refuse to walk?

4 A. I don't recall.

5 Q. Did you refuse to put your glasses on?

6 A. I -- they took away all my liberties. No, I
7 don't recall. I -- the glasses thing, I was -- I
8 understood -- I think I had a belt around my waist
9 and they came back with the glasses. What was that
10 going to do? That was my point. What was that
11 going to do? Just let me go. Just give me all of
12 my freedoms. What are glasses going to do? I have
13 to go back and do a trial. So that was my thoughts,
14 my understanding at the time that again I am in a
15 shock and in a -- and this is nonsensical to me that
16 they're bringing a wheelchair, they have me
17 completely under arrest, and I'm in a cell in
18 handcuffs, and as you can see here, four deputies
19 around me. What's going on?

20 Q. Were your glasses --

21 A. That was my thinking. I wasn't thinking
22 glasses, I was in -- I couldn't -- I couldn't think.
23 I was in a shock.

24 Q. Were your glasses offered to you by the
25 deputies?

Michelle MacDonald Shimota

10/20/2016

Page 79

1 A. I don't recall. I -- I -- I -- I -- as I
2 think about it, if they -- I don't know if they
3 brought me my glasses or what happened, but it
4 didn't make sense. I mean, I'm here in handcuffs in
5 a wheelchair, you're giving me my glasses, I'm --

6 Q. So you --

7 A. My hands were tied, how am I going to get my
8 glasses? It's nonsensical what they were doing.

9 Q. You didn't want your glasses?

10 A. I wanted my complete liberties. I wanted
11 everything. I wanted to just get lost. I was not
12 going to get upset. They were -- they were -- there
13 were four deputies around me. I don't know what to
14 say. I don't know what to do. I'm -- I'm -- you
15 know, they have guns. They --

16 Q. That's not my question.

17 MR. TIMMERMAN: Could you re- --

18 MR. PADDON: Counsel, she's answering
19 your question, with all due respect.

20 BY MR. TIMMERMAN:

21 Q. My question is a simple one. Did you desire
22 not to put your glasses on?

23 A. I -- I wanted my complete --

24 Q. That's not my question.

25 A. -- liberties back, and they were -- there

Michelle MacDonald Shimota

10/20/2016

Page 80

1 were four deputies around me at this point.

2 Q. My question is, did you specifically make
3 the decision not to put your glasses on?

4 A. No, they took my glasses, and they made me
5 take them off.

6 Q. And you said they were given back to you or
7 at least offered to you. Did you desire not to put
8 them back on?

9 A. I couldn't put them back on, my hands -- my
10 hands were in handcuffs.

11 Q. Did you ask for assistance?

12 A. That's a nonsensical -- that's a nonsensical
13 question. But now --

14 Q. Did you ask for assistance putting your
15 glasses back on?

16 A. Did I ask for assistance? I don't recall.

17 Q. Did you ask --

18 A. I -- maybe something like, well, you put
19 them on me, because my hands were in handcuffs.
20 I -- why are they giving me my glasses? Why are
21 they not giving me all of my liberties at this
22 point? That was -- as I go back, what is going on
23 is my question.

24 Q. Do you recall --

25 A. This is just -- for you to justify any of

Michelle MacDonald Shimota

10/20/2016

Page 81

1 this is outrageous to me.

2 Q. Do you recall --

3 A. That somebody like me is supposed to, oh,
4 you didn't ask for your glasses. This is outrageous
5 to me what you're --

6 Q. All I'm trying to do --

7 A. Do you see this picture here, four deputies
8 around me and I'm in handcuffs and a wheelchair and
9 they're bringing me back out to do a trial and you
10 think this is okay? Sorry. Do you think this is
11 okay?

12 Q. My job here today is --

13 A. They're bringing me back out for a trial and
14 you're asking me about --

15 Q. We're going to be here all day --

16 A. -- glasses?

17 Q. We're going to be here all day.

18 MR. PADDEN: Just go to your next
19 question, Jeff.

20 Q. My job here today is to learn the facts that
21 support your claims. I would appreciate you
22 answering the questions that I ask you. I
23 understand your positions in this lawsuit. I get
24 it. I know what your -- what your position is.
25 Okay?

Michelle MacDonald Shimota

10/20/2016

Page 82

1 A. Well, this speaks for itself in my book.

2 Q. Okay.

3 MR. PADDEN: That's okay. But, Jeff,
4 go ahead and ask her the next question. And then
5 we'll -- if she's nonresponsive I'll -- I'll --

6 Q. Do you recall being given the option to put
7 your shoes back?

8 A. No, I don't recall.

9 Q. Did you ask to put your shoes back on?

10 A. I don't recall.

11 Q. Did you ask to put your glasses back on?

12 A. I don't recall. I asked to be -- I wanted
13 to get out -- I wanted to be free. That's -- that's
14 all I recall, that I was completely debilitated,
15 completely debilitated, so glasses or shoes was not
16 going to make me free, them giving me permission for
17 different things, permission to speak, permission
18 to -- it is -- it's nonsensical.

19 Q. My clients will say you were placed in a
20 wheelchair because you refused to stand and you
21 refused to walk of your own will. Do you have any
22 evidence to refute what they will say?

23 A. They arrested me, and I was immobilized. I
24 was immobilized. So however they want to from their
25 perspective, from my perspective I am immobilized.

Michelle MacDonald Shimota

10/20/2016

Page 83

1 That's my perspective and that's all I can speak to.

2 Q. What do you mean by immobilized?

3 A. Immobilized, all of -- every single piece of
4 liberty that I had was taken away that day. I'm
5 immobilized. I can't see. I have -- I have -- I'm
6 in handcuffs. I'm immobilized. They immobilized
7 me. So -- so -- so that's what I mean. Every
8 liberty was taken away at that moment. You're --
9 you're -- you're -- you're under duress.

10 MR. PADDEN: Answer the question.
11 Don't comment on how he's asking the questions,
12 okay, just you answer the question.

13 Q. Is it fair to say that at this point in the
14 video, 10:58:11, you were being uncooperative?

15 A. No.

16 Q. You were cooperative --

17 A. I was being completely cooperative, because
18 they had completely immobilized me and I
19 immobilized. I was being completely cooperative.
20 That was the problem. I cooperated with them
21 putting handcuffs on me. I cooperated with them
22 taking me in the back. I cooperated with them
23 wholeheartedly. Wholeheartedly. They -- yeah, I
24 cooperated. That is not --

25 MR. PADDEN: Wait for the next

Michelle MacDonald Shimota

10/20/2016

Page 84

1 question, Michelle.

2 Q. So as you sit here today can you tell me why
3 a wheelchair was used to bring you back to the
4 courtroom?

5 MR. PADDEN: I guess I'll object to the
6 form of the question. How is she possibly supposed
7 to know that.

8 MR. TIMMERMAN: Based on --

9 MR. PADDEN: That's a question for the
10 defendants. But based on your knowledge, subject to
11 that objection, please answer.

12 BY MR. TIMMERMAN:

13 Q. Let me rephrase it. As you sit here today,
14 what is your understanding of why a wheelchair was
15 used to escort you back to the courtroom on
16 September 12, 2013?

17 A. Because I was immobilized and they had to
18 bring something to put me in.

19 Q. Were you able to physically --

20 A. To -- to -- they -- I -- I don't know --
21 yes, no, I'm able to physically walk, physically --
22 I -- that's all I can say.

23 Q. Were you able to physically stand at the
24 time?

25 A. I don't recall.

Michelle MacDonald Shimota

10/20/2016

Page 85

1 Q. Were you able to physically walk at the
2 time?

3 A. I don't recall. I was in a state of
4 immobilization and shock at this point. I don't
5 know why they brought the wheelchair.

6 Q. To circle back to my prior question, which
7 you did not answer, if my clients testified you were
8 placed in a wheelchair because you refused to stand
9 or walk of your own volition, do you have any
10 evidence to refute that testimony?

11 MR. PADDEN: Objection; asked and
12 answered. Go ahead and answer.

13 A. Yes, because I have my perspective.

14 Q. And your perspective, if I'm
15 understanding you correctly --

16 A. They immobile --

17 Q. May I finish?

18 A. They put me in this position. They
19 immobilized --

20 Q. May I finish, please?

21 A. -- me.

22 Q. Your perspective, as I understand it, is
23 that you were immobilized, correct?

24 A. Yes.

25 Q. Thank you. Let's move --

Michelle MacDonald Shimota

10/20/2016

Page 86

1 MR. PADDEN: Can we take a short break,
2 Counsel? It's been about an hour and 45 minutes.
3 Is that okay?

4 MR. TIMMERMAN: Certainly.

5 THE VIDEOGRAPHER: We're going off the
6 record. That will be end of disc one in the
7 deposition of Michelle Shimota. The time is 10:25
8 a.m.

9 (Break from 10:25 to 10:38 a.m.)

10 THE VIDEOGRAPHER: We're back on the
11 record. This is the continuation of the deposition
12 of Michelle Shimota, the beginning of disc two, the
13 time is 10:38 a.m.

14 BY MR. TIMMERMAN:

15 Q. Ms. MacDonald, when we left off we had just
16 reviewed a video entitled JDC adult holding number 2
17 and then 9-12-13. I'd like to look at another video
18 here, and this one is JDC adult cell, the number 2,
19 9-12-13.

20 Were you provided a lunch or a meal of some
21 type in this cell?

22 A. I believe so, yes.

23 Q. Now, you've alleged in the lawsuit that
24 deputies callously threw a lunch bag at you. Do you
25 recall that?

Michelle MacDonald Shimota

10/20/2016

Page 87

1 A. Yes.

2 Q. Could you explain to me exactly what
3 happened?

4 A. My recollection, you can play the video, is
5 that they opened the door and threw a lunch bag onto
6 that table. And my hands were in handcuffs around
7 my belt, so they didn't -- they didn't give me the
8 lunch. They tossed it onto that event. And then I
9 was also attached to the -- understood I was
10 attached to the wheelchair as well.

11 Q. Let's look at this here, this video.

12 A. Yes.

13 Q. We're at 12:37:10 right now.

14 A. Mm-hmm.

15 Q. Your cell door is opened up and there's
16 Sergeant Melton. Do you see him?

17 A. No.

18 Q. He's about to pop his head back in. Do you
19 agree with me that's Sergeant Melton?

20 A. Yes.

21 Q. Okay. And he's setting a lunch bag down on
22 this silver pedestal here. Do you see that?

23 A. Yes.

24 Q. Okay. And then he's exiting the cell,
25 correct?

Michelle MacDonald Shimota

10/20/2016

Page 88

1 A. Yes.

2 Q. He didn't throw a lunch bag at you, correct?

3 A. No.

4 Q. Would you agree with me that that was not a
5 callous act of throwing a lunch at you, that was
6 setting a lunch down on the pedestal, correct?

7 A. Well, how am I going to reach it is what I
8 mean by callous. He didn't intend to -- how am I
9 going to reach it? I'm in handcuffs and I think
10 there's a belt around my waist and my handcuffs are
11 attached to this belt. And also at this point I
12 believe I was attached to the wheelchair. And if
13 you -- oh, you can see it here. My fear was that if
14 I stood up I would fall and smash my head onto that
15 piece of cement. So I didn't -- I wasn't able to
16 stand up at this point. There's a toilet behind
17 here as well.

18 Q. Okay. Let's continue watching then. Your
19 cell door is open at this time, correct? Now it's
20 closing.

21 A. Yes.

22 Q. There's a bit of a pause here, and then at
23 12:38:01 you've lifted up the lunch bag and put it
24 on your lap. Do you see that?

25 A. Mm-hmm.

Michelle MacDonald Shimota

10/20/2016

Page 89

1 Q. So you're now in possession of the lunch
2 bag, correct?

3 A. Right.

4 Q. And then you throw it to the floor. Did you
5 see that?

6 A. Yes.

7 Q. Okay. So you're the one who threw the
8 lunch?

9 A. I dropped it.

10 Q. You dropped it or you threw it?

11 A. I dropped it.

12 Q. Let's watch again. Okay. We're at 12:38:01
13 again, you picked up the lunch. Okay. What are you
14 intending to do with the lunch here? Set it back on
15 the tray? Keep it in your lap? What is your
16 intent?

17 A. As I recall I was trying to get it on my lap
18 and trying to -- I -- I -- again, I was attached to
19 the wheelchair I thought, and I was trying to get it
20 to do something with it to try to eat it.

21 Q. Okay. And so it's your testimony that you
22 dropped the lunch and you didn't throw it, correct?

23 A. Right.

24 Q. Okay.

25 A. And then I went to reach for the milk and I

Michelle MacDonald Shimota

10/20/2016

Page 90

1 dropped that, too.

2 Q. Did you ask anyone to pick up the milk or
3 the lunch bag for you?

4 A. No.

5 Q. Do you recall Sergeant Melton offering to
6 uncuff you so you could eat the lunch?

7 A. No. He could have uncuffed me at any time.

8 Q. You don't recall --

9 A. It's his decision to cuff me and his
10 decision to uncuff me.

11 Q. You don't recall him ever asking -- ever
12 offering to uncuff you, correct?

13 A. No, never.

14 Q. Any reason to dispute that you were
15 ultimately returned to courtroom 1F at the direction
16 of court staff?

17 A. I don't know. I was just brought there my
18 perspective. My experience was all of a sudden I'm
19 being brought back to my trial.

20 Q. Do you recall telling Sergeant Melton that
21 you did not want to go back to court because you
22 were under arrest?

23 A. I don't recall that. I may have said that
24 because they had arrested me and I was in their
25 custody and this was humiliating. And I was just --

Michelle MacDonald Shimota
10/20/2016

Page 91

1 I may have said, what are you bringing me back here
2 for, what's going on. I was afraid to say anything.

3 Q. If you could please flip back to Exhibit 2.
4 I'm sorry, I meant Exhibit 3. If you could flip to
5 the page DC 00058 at the bottom right-hand corner.
6 Okay. Third full paragraph on that page starts
7 with, the courtroom 1F court. Do you see that?

8 A. Yes.

9 Q. At courtroom 1F court called me and asked if
10 Ms. MacDonald could be brought back into the
11 courtroom.

12 A. Mm-hmm.

13 Q. You said you don't have any knowledge,
14 personal knowledge, about any discussions between
15 Sergeant Melton and court staff, correct?

16 A. Obviously, no.

17 Q. So you see two sentences later, I told her
18 that she would be released as soon as she gave her
19 information, period?

20 A. Mm-hmm.

21 Q. Do you recall Sergeant Melton telling you
22 that while you were inside the cell --

23 A. Hm.

24 Q. -- in the courtroom holding area?

25 A. No.

Michelle MacDonald Shimota

10/20/2016

Page 92

1 Q. She refused to go to court and said she
2 wasn't going, Sergeant Melton says next. Is that an
3 accurate depiction of your response to the request
4 to bring you back to court?

5 A. No.

6 Q. What did you say exactly?

7 A. I don't -- I don't rem- -- I just said, what
8 are you doing. If I said anything it was like,
9 release me, let me free. I -- you've just
10 completely debilitated me.

11 Q. And in the next sentence?

12 A. It was -- yeah.

13 Q. In the next sentence Sergeant Melton says,
14 she said she wasn't going to stand up. Do you
15 recall ever telling Sergeant Melton that?

16 A. I don't recall telling him that, no.

17 Q. And it says, Deputy Gonder got a wheelchair
18 and brought it next to her holding cell. She
19 refused to stand up and Deputy Napper and I lifted
20 her up by the arm -- by her arms and set her in the
21 wheelchair to take her to court. Which is what
22 we've seen on the video happening, correct?

23 A. Right, yes.

24 Q. In the paragraph starting, the court took a
25 lunch break. Do you see that paragraph?

Michelle MacDonald Shimota

10/20/2016

Page 93

1 A. Mm-hmm.

2 Q. And this tracks with your recollection, the
3 court took a lunch break and you were brought back
4 to the holding cell area?

5 A. Mm-hmm.

6 Q. Sergeant Melton says, she refused to allow
7 me to remove her handcuffs so she could eat and
8 would not cooperate with removing the handcuff belt.

9 Does this refresh your recollection at all
10 about Deputy Melton offering to uncuff you and
11 remove --

12 A. No.

13 Q. -- the handcuff belt?

14 A. No.

15 Q. You're not claiming that my clients
16 confiscated or removed any of your court papers or
17 belongings from courtroom 1F on September 12th,
18 correct?

19 A. No. They had -- they had already taken what
20 they -- they took my phone and other belongings. I
21 didn't know at the time who took them. I just came
22 back out to an empty courtroom.

23 MR. PADDEN: Just to be clear for the
24 record, Counsel, when you're asking that question
25 are you saying -- is your question did the deputies

Michelle MacDonald Shimota

10/20/2016

Page 94

1 physically take any of her file, is that what --

2 MR. TIMMERMAN: Correct, any of her
3 court file that she had in the courtroom that day or
4 court papers.

5 MR. PADDEN: Okay. Not whether they
6 may have directed somebody to do something but
7 whether they physically took it?

8 MR. TIMMERMAN: Correct.

9 MR. PADDEN: Okay.

10 BY MR. TIMMERMAN:

11 Q. I think you testified that you don't know
12 how they ended up --

13 A. Not that I'm aware of.

14 MR. PADDEN: I just wanted to clarify
15 all that. Sorry to interrupt.

16 Q. Do you have any personal knowledge regarding
17 how or why Ms. Grazzini-Rucki or Ms. Evavold decided
18 to remove the items from the courtroom that day?

19 A. No.

20 Q. So you don't know why they made that
21 decision?

22 A. Well, they -- my understanding is they --
23 their attorney was arrested and they were told the
24 trial was over and left.

25 Q. Okay. And who told them that the trial was

1 over?

2 A. You'll have to ask them.

3 Q. You weren't there for that conversation,
4 correct?

5 A. Obviously. I was locked up.

6 Q. Have we discussed all the ways in which you
7 claim your Fourteenth Amendment rights were violated
8 vis-à-vis your detention in the courtroom holding
9 cell area on September 12?

10 A. My -- they were violated immediately when
11 they took me away. That -- that's the violation.
12 And that was a 30-hour period.

13 Q. I'm talking --

14 A. So, no, there is not a possibility for me to
15 go over 30 hours of that experience.

16 Q. I'm talking specifically about the courtroom
17 holding cell area, your detention in that courtroom
18 holding cell area prior to the time you were moved
19 to the jail. Have we discussed all the ways in
20 which you claim your constitutional rights were
21 violated in that the courtroom holding cell area?
22 Or is there anything you'd like to add?

23 A. They were -- it was an ongoing violation
24 from the beginning. I'm -- I'm not sure everything
25 has been discussed right now. It's in my -- it's in

1 my materials.

2 Q. In your amended interrogatory answers?

3 A. In amended and the complaint, so I'm -- I'm
4 not -- I'm not going to say I told every single
5 thing.

6 Q. Okay. And that's fair. So --

7 A. Yeah.

8 Q. -- if we talk about looking cumulatively
9 here, your testimony today, and if we look to your
10 amended interrogatory answers and to your complaint,
11 does that describe all of the ways in which you
12 claim your rights were violated in this courtroom
13 holding cell area?

14 A. My rights were violated by the fact of the
15 arrest. You get that, right? That's all you need.
16 They were violated immediately.

17 Q. Okay. That's not my question, though. My
18 question was, is it fair to say if I take your
19 testimony today and look at your amended
20 interrogatory answers and your first amended
21 complaint, have we now identified all of the ways in
22 which you claim that your constitutional rights were
23 violated in that courtroom holding cell area?

24 A. Almost all, yes.

25 Q. What else is there that we haven't --

Michelle MacDonald Shimota

10/20/2016

Page 97

1 A. I -- I -- if you go from beginning to end
2 there's 30 hours of ongoing violations of my civil
3 liberties. I was arrested and put in handcuffs and
4 brought out into the world in that condition to do a
5 trial.

6 Q. But again, I'm talking specifically about
7 the courtroom holding cell area. Is there any other
8 way in which you claim your rights were violated in
9 that holding cell area that --

10 A. The whole thing was a violation, so I've
11 described to you a few of the incidents. Thank you.

12 Q. Okay. What incidents in that courtroom
13 cell --

14 A. You'd have to watch the whole video. The
15 whole thing --

16 Q. May I finish my question?

17 A. -- was a violation.

18 MR. PADDEN: Let him finish the
19 question, Michelle.

20 Q. In the courtroom holding cell area what
21 other ways are you claiming your due process rights
22 were violated that we haven't discussed?

23 A. By being in there my due process rights were
24 violated, by just being in there. So the whole
25 thing, anything that happened in there was a

Michelle MacDonald Shimota

10/20/2016

Page 98

1 violation. Every single conceivable thing that
2 happened during that period was a violation of my
3 civil rights. They just took me out of my life.

4 Q. Anything else?

5 A. No.

6 (MacDonald Deposition Exhibit No. 6
7 marked for identification.)

8 BY MR. TIMMERMAN:

9 Q. Ms. MacDonald, this is Exhibit No. 6 to your
10 deposition.

11 A. Mm-hmm.

12 Q. Once again, I'll represent to you that this
13 Exhibit No. 6 was produced by me in this lawsuit, by
14 my clients.

15 THE WITNESS: Michael, do you have
16 this? I've never seen it.

17 MR. PADDEN: I don't know. Just wait
18 for the question, please.

19 BY MR. TIMMERMAN:

20 Q. It's Bates labeled DC 00038. Do you see
21 that in the bottom right-hand corner?

22 A. Right.

23 Q. Do you recognize this document?

24 A. No, I don't.

25 Q. Okay. Do you have any basis for disputing

Michelle MacDonald Shimota

10/20/2016

Page 99

1 the authenticity of this document?

2 A. I --

3 MR. PADDEN: Excuse me. Objection;
4 lacks foundation. She's never seen it before.

5 A. I never --

6 MR. PADDEN: Just let me make my
7 objection. There's no possible way she could answer
8 that question, Counsel, since she just said she's
9 never seen it before. All due respect, I think we
10 should just move to the next question.

11 BY MR. TIMMERMAN:

12 Q. Any basis for disputing that you were moved
13 to the jail at approximately 2:46 p.m. on September
14 12, 2013?

15 A. I'm trying to think of when the trial was
16 over. After I finished the trial or -- and the
17 judge got off the bench, they wheeled me to the
18 next -- the next level, the next phase.

19 Q. To the jail, correct?

20 A. To the adjacent jail, yes.

21 Q. And you were transported there via an
22 underground tunnel, correct?

23 A. Yes.

24 Q. Okay. Who transported you to the jail?

25 A. I'm not sure individually who it was because

Michelle MacDonald Shimota

10/20/2016

Page 100

1 the video you supposedly provided is inoperable and
2 I can't open it. Do you have a copy of it here I
3 might be able to look at so I can answer that
4 question more specifically? I just don't -- there
5 were three deputies that got in an elevator with me.
6 I saw that video.

7 Q. Okay. Which three deputies were those? Do
8 you recall?

9 A. I know one of them was Napper because I
10 looked and saw Napper on his lapel.

11 MR. TIMMERMAN: I'm going go back to
12 the video for a second, Mike, please.

13 BY MR. TIMMERMAN:

14 Q. Okay. Let me show you how we access this
15 footage. Okay? This has been produced to you.

16 A. It has not, no.

17 Q. It has.

18 A. No, it has not.

19 Q. This video --

20 A. I would ask that it be produced like today
21 to my attorney in operable form. We cannot open
22 your -- so it has not been produced. You can't
23 produce something and say you produced it when you
24 can't even open it. That is not a production, sir.
25 So I'm asking you today will you reproduce all of

Michelle MacDonald Shimota

10/20/2016

Page 101

1 this for me today?

2 MR. PADDEN: Just -- Michelle, just
3 wait for his next question. Okay?

4 A. I'm asking you, are you going to --

5 MR. PADDEN: I'll deal with that. I'll
6 deal with that. Just wait for his question, please.

7 Q. Respectfully, it has been produce --

8 A. It's hasn't been produced.

9 MR. PADDEN: Okay. He's just --
10 Michelle, he's just claiming it's been produced.
11 We're claiming that we can't open it. We get it.
12 Wait for his next question, please.

13 Q. I'm about to show you how to access exactly
14 what's produced. Okay?

15 MR. TIMMERMAN: Mike, you want to see
16 this, too?

17 MR. PADDEN: Look, I don't want to have
18 an education session. Let's continue --

19 THE WITNESS: I want another copy.

20 MR. PADDEN: Look --

21 THE WITNESS: This has been an ongoing
22 month --

23 MR. PADDEN: I understand that. Okay.
24 He's going to ask questions about a video. Let's
25 just stay on task. Okay? Thank you.

Michelle MacDonald Shimota

10/20/2016

Page 102

1 THE WITNESS: A video he's watched
2 fully and I can't even open. And I was in -- in
3 a --

4 MR. PADDEN: I understand, Michelle.

5 THE WITNESS: -- state.

6 MR. PADDEN: I understand. Just wait
7 for the next question, please.

8 THE WITNESS: Part of the corruption.

9 BY MR. TIMMERMAN:

10 Q. I'm part of the corruption?

11 A. Yes, you are.

12 Q. What evidence do you have of that? Are you
13 accusing me of corruption on the record?

14 MR. PADDEN: I think she's --

15 Q. I want it clarified. This is important.

16 MR. PADDEN: Answer the question,
17 Michelle, since you opened the door, answer the
18 question how he's corrupt.

19 A. You are not providing me with the evidence
20 that I need and pretending to. And I -- we sat in a
21 meeting with Mr. Grigsby and you said you were going
22 to give me another copy of the video, you said you
23 were going to give me a copy of the September 11th
24 video so I could identify the deputies, and you have
25 not done so. Another copy.

Michelle MacDonald Shimota

10/20/2016

Page 103

1 Q. Let's watch the video. Here you come in the
2 wheelchair, correct?

3 A. Okay.

4 Q. And who is that?

5 A. That's Melton.

6 Q. Okay. And this is the tunnel you were led
7 through, correct?

8 A. Yes.

9 Q. And who is that?

10 A. That looks like Gonder.

11 Q. He's with another inmate, correct?

12 A. Looks like it.

13 Q. Seeing this video does this refresh your
14 recollection of who took you to the jail?

15 A. It was Gonder and Melton and then somebody
16 else got in the elevator with me, so there were
17 three, three of them.

18 Q. And then on September 13, 2013 you were
19 escorted to and from court, correct, from the jail
20 to and from court? Do you recall that?

21 A. The next day?

22 Q. Correct. You appeared before
23 Judge Wermager, correct?

24 A. Yes, yes.

25 Q. Do you know the name of the deputy who

Michelle MacDonald Shimota

10/20/2016

Page 104

1 escorted you to court before Judge Wermager?

2 A. I don't -- you'll have to show me the video.
3 I think it was Wegner.

4 Q. Okay.

5 A. And the escort is a period of time, by the
6 way, it's not these snippets that you're taking. It
7 started with three deputies escorting me. And then
8 this is the snippet where one is standing behind.

9 Q. Okay.

10 A. Yes. And most four. That's why I would
11 like to request on the record that I get that video
12 from you.

13 MR. PADDEN: We've done that four times
14 now. Okay. We get it.

15 A. And it's been months.

16 Q. How long were you at the courthouse on
17 September 13th, between the time you were escorted
18 there and the time you were brought back, roughly
19 how much time elapsed?

20 A. Escorted from one point to the other?

21 Q. Between the time you --

22 A. So I went from a cell to -- I don't
23 understand your question.

24 Q. Sure. Between the time that you left the
25 jail to be escorted to the courtroom and the time

Michelle MacDonald Shimota

10/20/2016

Page 105

1 that you returned to the jail from the courtroom,
2 how much time elapsed in between those two
3 benchmarks?

4 A. It'll show it on the video I'm sure. I
5 don't know how much time. It seemed like forever
6 when you're in that condition that they put me in.

7 Q. And Exhibit No. 6 reflects, if you will,
8 please look at Exhibit No. 6 --

9 A. Mm-hmm.

10 Q. -- reflects that inmate released at
11 9-13-2013, 16:20 military time, so that would be,
12 back with military time, 4:20 p.m.?

13 A. 4:20. I know it was after the media left.
14 So they waited around as far as I know, and after
15 they left they released me.

16 Q. Okay. Do you recall what time your
17 release --

18 A. It was late in the afternoon, as late as
19 they could release me. Close to 5, right, that
20 would be.

21 (MacDonald Deposition Exhibit No. 7
22 marked for identification.)

23 BY MR. TIMMERMAN:

24 Q. Ms. MacDonald, this is Exhibit 7 to your
25 deposition. Have you seen this before?

Michelle MacDonald Shimota

10/20/2016

Page 106

1 A. Yes.

2 Q. Okay. Any reason for disputing that this
3 photo roster was produced to your former counsel in
4 June of 2015?

5 A. You gave it to me directly.

6 Q. Okay.

7 A. When I was asking for the video, that you
8 still have not produced, you gave me this instead as
9 if I'm supposed to pick from this when swarms of
10 people in uniforms are all over me, I'm supposed to
11 know who they are. I want to watch the video,
12 please, and then I'll identify these people. You
13 just identified one person, a woman, right, that
14 frisked me? So that's how I want to do it. I want
15 to watch the video --

16 MR. PADDEN: He gets to do the
17 deposition. Okay. It's okay. We get your point.

18 Q. And I want to make clear for the record that
19 in June of 2015 I did produce the jail video with
20 directions of how to access the jail video with the
21 specialized player that's required, a copy of which
22 was also embedded in the video that was produced for
23 use and viewing of the video.

24 A. And I want to make a record that I want --

25 Q. I'm not done yet.

Michelle MacDonald Shimota

10/20/2016

Page 107

1 A. That those directions didn't work.

2 MR. PADDEN: Let him --

3 Q. I'm not done yet.

4 MR. PADDEN: Let him complete his
5 thought.

6 A. So just acknowledge that I need another copy
7 of the video and get it to me today. It's right
8 around the corner. That's all. Thank you.

9 MR. PADDEN: And for the record, I
10 would also like to acknowledge I did not represent
11 plaintiff at that time so I'm really not privy to
12 what went on.

13 MR. TIMMERMAN: You did not. And I
14 will also represent on the record that I had offered
15 to Ms. Tayari Garrett and Mr. Busch to walk them
16 through playing the jail video if they had questions
17 on how to access it.

18 A. You had also offered that I could come here
19 and watch it myself, so I will accept that offer.
20 So stop pretending that we can't -- we can't open
21 the video. That's the bottom line. Okay?

22 BY MR. TIMMERMAN:

23 Q. Okay. Well --

24 A. So why are you asking me these questions?

25 MR. PADDEN: It doesn't matter. He can

Michelle MacDonald Shimota

10/20/2016

Page 108

1 ask whatever he wants subject to objections, so.

2 Q. I certainly want to enable you to watch the
3 video.

4 A. I'm not sure of it because it's been months.
5 So don't pretend you want me to watch the video. We
6 could go watch it right now or we could watch it
7 right here on the screen afterwards. All I want to
8 do is watch it. Thank you.

9 Q. And you'll have that opportunity for sure.

10 A. And I want September 11th as well that you
11 promised.

12 Q. I didn't promise September 11th. We had
13 discussion --

14 A. Yes, you did.

15 MR. PADDEN: Okay.

16 Q. We're not going to talk about this on the
17 record at your deposition. If you want September
18 11th, bring a motion to compel.

19 Let's turn to the first individual on this
20 roster, Farrel Byrd. Do you recognize him?

21 A. Doesn't look familiar.

22 MR. PADDEN: Hold on a second, Jeff,
23 where are you referring to?

24 MR. TIMMERMAN: And, actually, I
25 apologize, this was stapled wrong.

Michelle MacDonald Shimota

10/20/2016

Page 109

1 MR. PADDEN: Okay.

2 BY MR. TIMMERMAN:

3 Q. Do you recall interacting with Farrel Byrd
4 at all at the jail?

5 A. It doesn't -- he doesn't look familiar to
6 me. I interacted with all kinds of deputies.

7 Q. And we have Jennifer Cho. And we've seen
8 Sergeant Cho in the video, correct?

9 A. Seen her, yes.

10 Q. Did you interact with Sergeant Cho at all at
11 the jail to the best of your recollection?

12 A. Now I know I have, yes.

13 Q. You interacted with her in the courtroom
14 holding cell.

15 A. Yes.

16 Q. I'm asking at the jail. Did you interact
17 with her at all at the jail?

18 A. You need to understand also that some of
19 these deputies I see because I come to the Hennepin
20 County court. So I want to make sure if I'm
21 recognizing them, I'm recognizing them from the
22 video.

23 Q. And I understand that.

24 A. So Cho, now I recognize from the video. But
25 I would have recognized -- when I got this I said,

Michelle MacDonald Shimota

10/20/2016

Page 110

1 oh, that's a deputy that I've seen before. Do you
2 see what I mean? I don't want to -- I want to get
3 them right.

4 MR. PADDEN: Yeah, Jeff, so --

5 Q. My questions -- and I can maybe clarify
6 this.

7 MR. PADDEN: No, and I'm not trying
8 to -- I'm not trying to obstruct your deposition.
9 But just to be clear, is your line of inquiry
10 regarding these folks I take it concerning the
11 circumstances of this litigation?

12 MR. TIMMERMAN: Correct.

13 MR. PADDEN: As opposed to --

14 MR. TIMMERMAN: Correct.

15 MR. PADDEN: Because she litigates a
16 lot of cases.

17 MR. TIMMERMAN: And I'll narrow it down
18 even more for you.

19 MR. PADDEN: Okay.

20 BY MR. TIMMERMAN:

21 Q. My line of questioning with regard to this
22 roster, which was produced in June of 2015, is
23 whether or not you recall interacting with any of
24 these people at the jail, not at the courtroom
25 holding facility, at the jail specifically.

Michelle MacDonald Shimota

10/20/2016

Page 111

1 MR. PADDEN: Thanks for the clarity.

2 Q. On September 12th or 13th of 2013, do you
3 recall interacting with Sergeant Cho at the jail on
4 those dates?

5 A. I've just seen the video so now I recall
6 interacting with Jennifer Cho.

7 Q. What about Deputy Russell Crissman?

8 A. I would have to look at the video to see if
9 I interacted with Russel Crissman.

10 Q. Now, you've referenced in your pleadings
11 that a deputy named Chris released you from jail
12 ultimately.

13 A. Oh, okay. He wasn't -- he was dressed in
14 different clothing.

15 Q. Does this look like the guy who maybe
16 released you?

17 A. I don't know that he was a deputy, because
18 he was dressed in blue clothing. He was very -- he
19 was short and I thought his name was Chris,
20 everybody called him Chris. Now, you could answer
21 if everybody calls him Chris, that could be somebody
22 who interacted with me.

23 Q. Do you recall interacting with Michael Curry
24 at all at the jail on September 12th or 13th, 2013?

25 A. I'd have to look at the video.

Michelle MacDonald Shimota

10/20/2016

Page 112

1 Q. How about Shantell Dillard?

2 A. Doesn't look familiar. I'd have to look at
3 the video.

4 Q. Rhonda Doheny?

5 A. I'd have to look at the video.

6 Q. Deborah Fyten?

7 A. I'd have to look at the video.

8 Q. Obviously we have Deputy Gonder there, and
9 we spoke about him, correct?

10 A. Yes.

11 Q. What about Daniel Hoover?

12 A. Daniel Hoover, he looks familiar to me. If
13 he has blue eyes, he looked familiar to me.

14 Q. Do you recall interacting with him at the
15 jail?

16 A. I recall -- I'll have to look at the video,
17 but he looked familiar to me from the jail
18 experience.

19 Q. And what exactly do you recall as you sit
20 here today about your interactions with him?

21 A. I just remember there was -- when I was in
22 the jail that he -- someone fitting his description,
23 but I'd have to see the video, came to my --
24 purportedly to my aid at the time. And he was
25 very -- his demeanor was very nice. He was -- he

Michelle MacDonald Shimota

10/20/2016

Page 113

1 was trying to be very nice to me. And then awhile
2 later his demeanor completely changed. He went from
3 one demeanor to the other the next time he came
4 back. So I just remember going this -- this person
5 seemed so nice and now all of a sudden he has like
6 evil in his eyes. Now, that was a blue-eyed younger
7 person. It might not have been Hoover, and I don't
8 want to blame anybody. They were -- you know, the
9 departments responsible, but I don't want to name
10 anybody in particular.

11 Q. And this particular individual that you're
12 talking about with evil in his eyes, what exactly
13 did he do or say to you to make you think that he
14 was evil?

15 A. Well, there was harassment all night long
16 from all of the deputies, so one after another,
17 particularly Gonder.

18 Q. We'll talk about that in a minute.

19 A. So that's -- that's one of the pieces.

20 Q. Melton, obviously Sergeant Melton, the next
21 page, we've talked about him?

22 A. Yes.

23 Q. Did you interact at all with Gary Millbach
24 at the jail?

25 A. I'd have to look at the video. He doesn't

Michelle MacDonald Shimota

10/20/2016

Page 114

1 look familiar.

2 Q. Napper of course we've talked about. How
3 about Deputy Lana Opp, did you interact with Deputy
4 Opp?

5 A. She looks familiar.

6 Q. Any recollection of interacting with her at
7 the jail?

8 A. Well, there was a deputy, a female deputy,
9 that was taking my picture in the middle of the
10 night. I don't know. It might have been her or --
11 if these are all the female deputies. It was a
12 female deputy that was taking my picture in the
13 middle of the night.

14 Q. Okay. And I'll represent to you for
15 clarification that it was Sergeant Fyten who
16 assisted with photographing you.

17 A. Sergeant Fyten?

18 Q. Correct.

19 A. Where is that?

20 Q. Bottom left-hand corner.

21 A. Okay.

22 Q. And that it was Deputy Hoover who assisted
23 with fingerprinting you.

24 A. Deputy Hoover, okay.

25 Q. Okay. What about Brandon Pitts, Deputy

Michelle MacDonald Shimota

10/20/2016

Page 115

1 Pitts, any recollection of interaction with Deputy
2 Pitts?

3 A. He looks familiar now, but it might be from
4 other interactions.

5 Q. What about Deputy Welin, any recollection of
6 interacting with him at the jail on September 12th
7 or 13th?

8 A. No, I'd have to look at the video.

9 Q. What about Deputy Stacy Williams, any
10 recollection of interacting with Deputy Williams?

11 A. She looks familiar, but I don't recall. I'd
12 have to look at the video. Now, you just told me
13 who I interacted with so why are you asking the
14 question when you know who I interacted with?

15 Q. We'll go over some of more detailed notes
16 here momentarily --

17 A. Okay.

18 Q. -- of your interactions. I just wanted to
19 show you this to get your recollection as you sit
20 here today.

21 A. So who on this did I interact with other
22 than the ones you mentioned?

23 Q. Why don't you keep that handy and as we go
24 through some of the other documents that reference
25 the specific individuals you'll have a photographic

Michelle MacDonald Shimota

10/20/2016

Page 116

1 point of reference as well.

2 A. Thank you.

3 Q. And I will note that this document is marked
4 confidential in the lawsuit because -- under the
5 protective order, because these are duty photos
6 of --

7 MR. PADDEN: That's fine.

8 A. Right.

9 Q. -- active correctional staff.

10 (MacDonald Deposition Exhibit No. 8
11 marked for identification.)

12 BY MR. TIMMERMAN:

13 Q. Ms. MacDonald, this is Exhibit 8 to your
14 deposition produced in this action as DC 00042
15 through DC 00044. Do you recognize this document?

16 A. No, I don't.

17 Q. Would you like to take a moment to
18 familiarize yourself with it?

19 A. Okay. I don't --

20 Q. I'm going to ask you some questions about it
21 and I'm wondering if you'd like to review it.

22 A. It's somebody else's document, and I don't
23 recall it ever being produced by you.

24 Q. Did you remain in a wheelchair during your
25 entire stay at the jail?

Michelle MacDonald Shimota

10/20/2016

Page 117

1 A. No.

2 Q. Were you in a wheelchair during the periods
3 of time at the jail when you were in the common
4 areas outside of your cell?

5 A. I believe so, yes.

6 Q. So when you were in your cell you were not
7 in the wheelchair, correct?

8 A. Right.

9 Q. Fair to say that anytime you were outside of
10 your cell you were in a wheelchair?

11 A. Yes.

12 Q. On both days?

13 A. You mean in the middle of the night?

14 Q. My question is when you were -- on September
15 12th and 13th of 2013 during the times that you were
16 outside of your --

17 A. Right, they just regularly brought a
18 wheelchair and I got in the wheelchair.

19 Q. Okay. So then during the times you were
20 outside of your cell your testimony is that you were
21 in a wheelchair, correct?

22 A. Yes.

23 Q. Is there any reason why --

24 A. As I was being wheeled, yes. Yes, I mean,
25 in a wheelchair, I got into the wheelchair. I

Michelle MacDonald Shimota

10/20/2016

Page 118

1 remember standing up when I went to court to talk to
2 the judge. They let me stand up. Then they put me
3 back in it.

4 Q. Were you given the option of not using the
5 wheelchair at the jail?

6 A. No. They just brought a wheelchair anytime
7 I -- they wanted to deal with me.

8 Q. Was the handcuff belt removed when you were
9 ultimately brought to the jail?

10 A. When I went -- the handcuff belt -- which
11 jail are you referring to? The jail --

12 Q. The Dakota County jail.

13 A. They're both adjacent. So the next door
14 jail?

15 Q. The next door jail where you spent the
16 night.

17 A. I believe so, because once I was in my cell
18 I think they finally took my handcuffs off and the
19 belt off, but then they kept putting them back on if
20 they'd take me places.

21 Q. Okay. So inside your cell, no cuffs, no
22 belt; outside of your cell, cuffs and belt. That's
23 your recollection?

24 A. Well, cuffs and belt inside my cell at --
25 you know, at the -- at one jail. They brought me to

Michelle MacDonald Shimota

10/20/2016

Page 119

1 different cells. So the first cell, cuffs and belt
2 inside the cell. The next one I think they took
3 them off each time. They put me in different cells.

4 Q. Okay. If you could please look at Exhibit
5 No. 8 on the first page, DC 00042. Fifth line down
6 under the narrative section it reads, Corporal Byrd,
7 number 1218, approached MacDonald and attempted to
8 ask her questions, but she refused to answer.

9 Now Corporal Byrd is Farrel Byrd upper
10 left-hand corner of page 1. Does that refresh your
11 recollection at all of interacting with Corporate
12 Farrel Byrd at the jail?

13 A. No, there were all kinds of deputies on me.

14 Q. Do you recall Corporal Byrd asking you any
15 questions at the jail?

16 A. No.

17 Q. Do you recall refusing to answer questions
18 that Corporal Byrd asked you at the jail?

19 A. No.

20 Q. So when this report says Corporal Byrd
21 approached you and attempted to ask you question but
22 you refused to answer, is this a lie?

23 A. There were all kinds of deputies around me.
24 I -- they were all over me.

25 Q. Do you recall --

Michelle MacDonald Shimota

10/20/2016

Page 120

1 A. I -- there was -- there was not just one
2 deputy. There were all kinds of deputies around me
3 at many different times.

4 Q. Do you recall being pat searched at the
5 jail?

6 A. I don't recall.

7 Q. Do you recall Corporal Byrd telling you that
8 you could make a phone call once you'd been booked?

9 A. They -- throughout the night they said --
10 they -- you -- come get booked and we'll allow you
11 to do this, come get booked and we'll allow you to
12 do that. And I kept saying booked for what.

13 Q. Is it your understanding that you were
14 actually booked at the jail?

15 A. No, I was not booked.

16 Q. Why weren't you booked?

17 A. Because the judge said that I didn't have to
18 be booked.

19 Q. Is it accurate -- accurate to say that
20 before the judge said that you didn't have to be
21 booked that you refused to complete -- excuse me --

22 A. There was no --

23 Q. Wait. May I finish my question, please?
24 I'll start over. I understand you went before Judge
25 Wermager on September 13th and he said you didn't

Michelle MacDonald Shimota

10/20/2016

Page 121

1 have to complete the booking process.

2 A. Right.

3 Q. Correct? Prior to that time on September
4 12th and September 13th when you were at the jail
5 where you spent the night, is it fair to say that
6 you refused to be booked?

7 A. No. I didn't have to be booked because I
8 didn't commit a crime. I didn't do anything.

9 Q. Did you --

10 A. They booked me. I don't book myself. The
11 judge said I didn't have to be booked.

12 Q. Did they attempt to you book you, the
13 deputies attempt to book you?

14 A. They kept -- they said like, here, you
15 can -- you have no liberties until you're booked.
16 You can't make a phone call, you can't do anything
17 until you're booked. That was their statement. And
18 they kept doing things to me and doing things to me
19 and making things worse and worse and worse. And I
20 knew I didn't do anything wrong, so I didn't have to
21 be booked. And then the judge confirmed it. And
22 they finally released me.

23 Q. My question --

24 A. How do you arrest somebody, you know --
25 okay.

Michelle MacDonald Shimota

10/20/2016

Page 122

1 Q. My question for you was, did jail staff
2 attempt to book you?

3 A. Yes, I guess you could say that.

4 Q. Did you cooperate in the booking process?

5 A. They -- they don't -- they didn't book me,
6 that's the point. I didn't -- I don't know what
7 cooperate means.

8 Q. Did you answer their questions?

9 A. I answered some questions, yes, and I talked
10 a lot, yes.

11 Q. What questions did you answer specifically
12 that you recall?

13 A. It was all through the night, all through
14 the night. I can't -- I can't recall anything
15 specific.

16 Q. Explain to me where they took you to be
17 booked at the jail.

18 A. You'll have to explain it to me, because
19 I -- it was the middle of the night as far as I
20 know, except my room was completely bright. I felt
21 like it was in -- I was in a dream. And -- so you
22 tell me. I remember the next day when they finally
23 took the handcuffs off me after the judge released
24 me, I remember seeing the place and I thought, this
25 must be where they brought me.

Michelle MacDonald Shimota

10/20/2016

Page 123

1 Q. I can explain to you. There is an intake
2 and booking area at the jail. There's a desk called
3 the booking intake desk. It's elevated off the
4 floor. That's where inmates are booked at the jail.

5 Do you recall being taken to that spot to be
6 booked?

7 A. It didn't feel like that spot at the time,
8 but then now that I look at it they took me there,
9 yeah. And I didn't know which cell I was in.
10 Again, it didn't seem like it was real.

11 Q. Did you refuse to answer some of the
12 questions that were asked of you during that booking
13 process?

14 A. Refuse to answer? Probably. I was not
15 talking sometimes. Sometimes I was crying and
16 trying to talk to have them help me. It went on and
17 on all -- all night long. So they can't say I
18 didn't cooperate. They completely just stripped me
19 of my liberties and I cooperated as much as I could
20 and they were not helping me. They would not help
21 me at all. Nobody would hear me. Nobody would help
22 me. No matter what I said or did, that was what
23 happened.

24 Q. You answered all of the booking questions
25 then?

Michelle MacDonald Shimota

10/20/2016

Page 124

1 A. So they were not cooperating. It was awful.

2 Q. You answered all the booking questions then?
3 That's your testimony?

4 MR. PADDEN: Objection --

5 A. I don't recall --

6 MR. PADDEN: Can I make an objection,
7 please? Objection; asked and answered. Go ahead
8 and answer again.

9 A. I don't recall any -- they asked me all
10 kinds of questions. They taunted me, like I told
11 you. I -- I -- I pushed the medical button. I kept
12 asking them questions. They weren't answering my
13 questions. It was just a -- I couldn't believe what
14 was happening at that point.

15 Q. Now Exhibit 8 here --

16 A. So for you to wrench out something just
17 doesn't make sense.

18 MR. PADDEN: Don't comment on how he's
19 asking the questions, Michelle, come on.

20 Q. Exhibit 8 here, see seventh line from the
21 bottom, sentence on the right-hand side starting
22 with nursing staff, the nursing staff attempted to
23 ask MacDonald some medical questions to find out if
24 she had any medical concerns or possible TB
25 infections. Do you recall --

Michelle MacDonald Shimota

10/20/2016

Page 125

1 A. I don't remember --

2 Q. Let me ask the question. Do you recall a
3 jail nurse asking you medical questions, including
4 about TB exposure?

5 A. I don't recall -- I kind of recall laying in
6 a cell and then somebody coming in. And I was just
7 exhausted. And I just -- I was -- might have said,
8 why are you asking me these questions. That sounds
9 familiar to me.

10 Q. You just don't know who it was who asked
11 those questions?

12 A. I don't know who it was.

13 Q. Did you answer the medical questions?

14 A. I -- I believe I answered whatever they
15 asked.

16 Q. Did you answer questions about your
17 potential tuberculosis exposure?

18 A. I don't remember them asking me about
19 tuberculosis. I was just in a -- at that point I
20 was really in a daze. That was the first part.
21 Because I finally when I was in the cell by myself,
22 I was -- I was -- I said, I'm just going to rest
23 here. I'm just going to -- I can't even believe
24 this is happening. And I think that's when people
25 came in or I was there thinking I was just going to

Michelle MacDonald Shimota

10/20/2016

Page 126

1 be here and not be touched or talked to or taunted
2 for a moment, and then somebody came in. And I
3 thought --

4 Q. Somebody came in to ask you questions? And
5 this --

6 A. I think so, yes.

7 Q. This report continues, MacDonald refused to
8 answer any medical screening questions. MacDonald
9 was later informed she would be escorted from R-415
10 to I-327, negative pressure room, due to not
11 answering the medical questions. It was explained
12 to MacDonald by Corporal Byrd that she was required
13 to be in the negative pressure room and isolated due
14 to nonresponses to a medical questionnaire to
15 prevent the possible spread of tuberculosis.

16 Do you recall Corporal Byrd explaining to
17 you that he was moving you or you were being moved
18 to the negative pressure room because you failed to
19 answer medical questions about potential TB
20 exposure?

21 A. No.

22 Q. You don't recall that?

23 A. No. I recall when they -- I was somewhere
24 in one cell, and I recall one woman deputy leaving
25 the mattress there and saying she wasn't supposed to

Michelle MacDonald Shimota

10/20/2016

Page 127

1 do that. That's what I recall about being moved or
2 something like that. That when I moved I wasn't
3 supposed to have a mattress and she let me have it.
4 And -- and I thanked her. That's what I recall. I
5 remember --

6 MR. PADDEN: You answered the question.
7 Go to the next -- we'll be here until hell freezes
8 over. Come on.

9 Q. Okay. Let's go back to Exhibit 2 for a
10 second. Got it? Exhibit 2, I can help you find it.
11 That's this guy. Exhibit 3, excuse me, this is 3 --
12 2, page 665. There we are.

13 Now this, again, Exhibit 2, this is campaign
14 material that you drafted, you testified to that.
15 On page 665 it says, many deputies had handled her
16 to this point. When one of them came in to ask
17 medical questions, she did not answer, thinking,
18 quote, "I am not sick or in a hospital," end quote.

19 Having seen that in something that you
20 drafted, does that refresh your recollection that
21 you did not actually answer the medical questions
22 the jail staff asked you?

23 A. I was thinking, I'm not sick or in a
24 hospital, yes, that refreshes my recollection.

25 Q. So based on your thought that you weren't

Michelle MacDonald Shimota

10/20/2016

Page 128

1 sick or in a hospital, fair to say that you refused
2 to answer those medical questions, correct?

3 A. I might have told them, I'm not sick. I
4 don't know what I -- what they asked me or answered.
5 But when they came to ask medical questions I didn't
6 answer thinking I'm not sick or in a hospital.

7 Q. Okay. Including tuberculosis?

8 A. I don't remember them asking me about
9 tuberculosis.

10 Q. Would that have been one of the questions
11 you wouldn't have answered because you weren't sick
12 or in a hospital?

13 A. No.

14 Q. You didn't have a cellmate at any time when
15 you were confined at the jail, right?

16 A. Except for the deputies coming in and out.

17 Q. I'm talking about another inmate.

18 A. No.

19 Q. And you were never confined in the general
20 population of the jail, correct?

21 A. What do you mean? They kept me in solitary
22 confinement. So do you mean -- no --

23 Q. You weren't --

24 A. -- I wasn't with anybody. They kept me in
25 solitary confinement.

Michelle MacDonald Shimota

10/20/2016

Page 129

1 Q. But you got meals at the jail, right, you
2 received those meals?

3 A. Yes.

4 Q. What is your understanding of what a
5 negative pressure room is? If you know.

6 A. I have no idea.

7 Q. What's your understanding of the jail's
8 negative pressure room?

9 A. I have no knowledge.

10 Q. At the time did you understand that if you
11 had answered medical questions you might not have
12 moved to a negative pressure room?

13 A. No.

14 Q. Any reason to dispute that you were
15 ultimately placed in the jail's negative pressure
16 room?

17 A. I was placed in a different cell. I was in
18 a number of different cells.

19 Q. Do you have any personal knowledge regarding
20 the jail's policies and procedures for placement of
21 inmates who may have potentially been exposed to
22 tuberculosis?

23 A. No.

24 Q. Do you have any pol- -- personal knowledge,
25 excuse me, of the jail's placement of inmates who

Michelle MacDonald Shimota

10/20/2016

Page 130

1 refuse to answer questions regarding potential
2 tuberculosis exposure?

3 A. No.

4 Q. Do you have any personal knowledge regarding
5 the normal temperature of the negative pressure
6 room?

7 A. They should have just let me go, bottom
8 line.

9 Q. My question, though, is do you have any
10 personal knowledge of the normal temperature of the
11 jail's negative pressure room?

12 A. No.

13 Q. Do you have any personal knowledge regarding
14 whether the jail's negative pressure room is warmer
15 or colder than other jail cells?

16 A. No.

17 Q. Do you have any evidence that jail staff
18 purposefully lowered the temperature in the negative
19 pressure room when you were confined in that room?

20 A. Do I have any evidence --

21 Q. Correct.

22 A. -- of that? Being the room was freezing,
23 freezing cold, somebody must have done something.
24 It wasn't as cold when I first got in there. It
25 froze -- it became more and more cold.

Michelle MacDonald Shimota

10/20/2016

Page 131

1 Q. Okay.

2 A. So somebody must have done that.

3 Q. You've got your subjective observation.

4 Beyond that do you have any evidence that jail staff
5 purposefully lowered the temperature of that
6 negative pressure room?

7 A. No.

8 Q. Do you have any personal knowledge regarding
9 how the jail's negative pressure room is normally
10 lit?

11 A. No.

12 Q. Any personal knowledge about whether the
13 negative pressure room lights are to remain on at
14 all times for inmate observation purposes?

15 A. No.

16 Q. Any personal knowledge regarding whether the
17 negative pressure room is lit differently than other
18 cells at the jail?

19 A. No.

20 Q. Any evidence that you were treated any
21 differently than other inmates who are placed in the
22 negative pressure room with regard to the room's
23 temperature or lighting?

24 MR. PADDEN: Object to the form; lacks
25 foundation. Go ahead and answer if you can.

Michelle MacDonald Shimota

10/20/2016

Page 132

1 A. No. Again, they should have let me go or
2 never brought me there to begin with. That's the
3 bottom line. They took my liberties away, period,
4 way back when, way back before this. So whatever
5 happened, the torture that I experienced, is just a
6 little tiny piece of all this.

7 MR. PADDEN: Michelle, you already said
8 that. Just try to answer the question, please.

9 Q. Who fingerprinted you at the jail?

10 A. I -- as I recall, Gonder came back -- okay.
11 I was at the fingerprint. I think it was Gonder.

12 Q. I'll tell you what, let me help you out. I
13 think this will be the last video we watch today.
14 Bear with me while I find it. Do you know who this
15 person is?

16 A. No.

17 Q. I apologize, this video player does not
18 allow skipping. Okay.

19 A. I don't know when this was. It felt like
20 the middle of the night to me.

21 Q. So here you are at the fingerprint machine.

22 A. Mm-hmm.

23 Q. It is 10:31 almost 10:32 p.m. Does that
24 ring a bell?

25 A. I had been mistreated for quite a while by

Michelle MacDonald Shimota

10/20/2016

Page 133

1 the time this happened.

2 Q. This is Deputy Gonder.

3 A. So it could have been the right time.

4 Q. Sergeant Fyten, Deputy Hoover. Okay. Here
5 you're getting fingerprinted. Do you see that?

6 A. Yes. This is booking, correct?

7 Q. Part of the booking process.

8 A. Okay. So after they booked me, why didn't
9 they let me go? Crazy.

10 Q. While we're watching this, it's going to
11 take us a little while to get there, but do you have
12 any personal knowledge regarding whether you
13 actually ever completed the booking process?

14 A. No. I thought they do the booking process.
15 That's my knowledge. I thought you don't do the
16 booking process of yourself. They're the
17 authorities.

18 Q. Were you given the option --

19 A. At this point --

20 Q. Were you given the option to stand to be
21 fingerprinted?

22 A. No. At this point I saw Gonder.

23 Q. Gonder is right here.

24 A. It felt as if he was way in the back of a
25 line, and I saw him. And I was telling the woman, I

Michelle MacDonald Shimota

10/20/2016

Page 134

1 didn't harm anybody, why am I here. And then I saw
2 Gonder, and I thought, he can help me because he
3 knows I didn't do anything. At this point I saw
4 somebody familiar, didn't know it was Gonder. And I
5 said, he was there, he knows I didn't harm anybody.

6 And then Gonder said something like, well,
7 you took a picture of me, but you -- but you didn't
8 get -- you just got my bottom half. I said, well,
9 you were smiling and waving, I was communicating.
10 And then I said, where's my camera. And he said at
11 some point, because it felt like he was just -- you
12 know, because I'm in a daze still. I'm feeling like
13 it's -- I'm recalling it as a dark room with lots of
14 people. I didn't know there was just a bunch of
15 deputies around me.

16 And he said that, that we're going to keep
17 your camera, we're not going to give it back to you.
18 We're going to -- it's going to go through all the
19 appeals. And I told him, I have lots of pictures on
20 there. And then he also said something like -- I
21 said, you didn't interrogate -- you didn't read me
22 my rights. And he said -- I think he had come back
23 at this point, because he was gone, and he said, we
24 don't have to read you your rights.

25 Q. You were never interrogated at the jail,

Michelle MacDonald Shimota

10/20/2016

Page 135

1 correct?

2 A. Well, I would call what's happening to me
3 interrogated. They're asking me -- that's
4 interrogation, asking me medical questions, isn't
5 that interrogation? I would see that -- I say, yes,
6 I was interrogated throughout the whole thing --

7 Q. It's your position that before booking an
8 inmate into a jail and asking medical question jail
9 staff is required to read Miranda rights?

10 A. They were interrogating me the whole time.

11 Q. Now you're being wheeled around to have your
12 photograph taken. Okay?

13 A. Okay. And they took a whole bunch of
14 pictures.

15 Q. This is Sergeant Fyten taking your
16 photograph, correct?

17 A. Right.

18 Q. Originally they tried to take your
19 photograph while you were sitting down in the
20 wheelchair, correct?

21 A. Right. And they were successful at it.
22 They took a lot of pictures.

23 Q. How do you know they were successful? How
24 do you know they got a successful --

25 A. Because they just kept taking pictures.

Michelle MacDonald Shimota

10/20/2016

Page 136

1 Q. Do you have any personal knowledge whether
2 any of the pictures taken of you while you were
3 seated in the wheelchair were sufficient for
4 purposes of the booking process.

5 A. I think they all were, yeah.

6 Q. What's your basis for that belief?

7 A. Because they were taking -- they kept taking
8 them.

9 Q. Okay. And here were you asked at any point
10 in time to stand up to be photographed?

11 A. No. They just came over and lifted me at
12 some point.

13 Q. Why didn't you stand of your own volition
14 during that point in time, because you're about to
15 see --

16 A. Because I didn't.

17 Q. You're about to see --

18 A. Your -- your -- your people captured me. I
19 was captured by them. I didn't know what to do.
20 I'd answer a question, that was wrong. I'd not
21 stand up, that was wrong. I'd sit down, that was
22 wrong. They say they have a successful -- it went
23 on and on and on. See, they're taking pictures.
24 And I'm telling, don't take my picture looking like
25 this, because you can see how good I looked when I

Michelle MacDonald Shimota

10/20/2016

Page 137

1 started out in this process in court, and this was
2 like the middle of the night to me. And they kept
3 saying, well, you look beautiful. And there's four
4 of them there. Even the woman said it.

5 Q. Okay. So you were telling them, don't take
6 my picture because I look -- don't look good, and
7 they were saying you look beautiful?

8 A. I was saying, please don't take my picture
9 looking like this, please don't take my picture.

10 Q. And that's where the beautiful comment came
11 up?

12 A. And they said, you look beautiful, you look
13 beautiful.

14 Q. Okay. And there you were held up -- let's
15 go back a couple.

16 A. I thought they were done, because they kept
17 saying, you look beautiful, and taking pictures. So
18 then they were taking me away and then they put me
19 back to take some more pictures.

20 Q. Okay. And they wheeled you back in to take
21 a picture standing up, right?

22 A. No, they lifted me up --

23 Q. Now, are you standing of your own --

24 A. -- grabbed me and lifted me up.

25 Q. Are you standing of your own free will

Michelle MacDonald Shimota

10/20/2016

Page 138

1 there?

2 A. No, they grabbed me and lifted me up. I
3 might have been standing, but they grabbed me, and I
4 think I am standing at this point, because they
5 grabbed me and lifted me up.

6 Q. Okay. Did you feel like you were being
7 cooperative in the fingerprinting and photographing
8 process?

9 A. I was doing everything they told me to do.
10 All of my liberties were gone from beginning to end.
11 Whatever I did, they didn't -- they didn't like it,
12 they liked it, I -- you didn't know how to
13 cooperate. I was very cooperative from beginning to
14 end. I did everything I was told. I was quiet. I
15 talked. From beginning to end I just did what I was
16 told when all of my liberties were stripped from me
17 down to nothing.

18 MR. TIMMERMAN: Mark this please, if we
19 could, Exhibit 9.

20 (MacDonald Deposition Exhibit No. 9
21 marked for identification.)

22 BY MR. TIMMERMAN:

23 Q. Do you recall, Ms. MacDonald, anyone telling
24 you that you needed to complete the booking process
25 before you could be released from the jail?

Michelle MacDonald Shimota

10/20/2016

Page 139

1 A. They didn't say it that way. They said,
2 we'll give you a phone call if you come get booked.
3 We'll give you an att- -- call your husband if you
4 come get booked. They actually brought me a note
5 with an attorney, they said you can call this
6 attorney if you come get booked. They never said
7 just come get booked. You're going to get certain
8 enticements. You can have a blanket if you come get
9 booked. We won't take -- that was it.

10 And I was -- they should have just released
11 me.

12 Q. Why didn't you just get booked then? I
13 guess that's my question.

14 A. Because they book me, I don't book myself.

15 Q. But you have to cooperate in the process to
16 be booked.

17 A. I did cooperate.

18 Q. My clients will testify that you refused to
19 answer booking questions, and they can't book you if
20 you won't answer booking questions. Do you
21 understand that?

22 A. Well, you're testifying for your clients
23 right now.

24 MR. PADDEN: Time out. Is that a
25 question, Jeff?

Michelle MacDonald Shimota

10/20/2016

Page 140

1 MR. TIMMERMAN: That's a question.

2 A. What kind of a question --

3 MR. PADDEN: What's the question?

4 BY MR. TIMMERMAN:

5 Q. The question is, you understand you can't be
6 booked if you don't answer booking questions?

7 MR. PADDEN: Okay. You have to answer
8 that, Michelle.

9 A. No, I don't. I answered their questions
10 that they asked me under the circumstances as best I
11 could.

12 Q. But we've seen from Exhibit 2 that you
13 refused to answer the medical questions because you
14 weren't in a hospital or sick. So you didn't answer
15 at least some of those questions, right?

16 A. They asked me lots of questions that I
17 answered and lots of questions where I was silent
18 and didn't -- and confused and in a horrible state.
19 They put me in a horrible, horrible, state --

20 Q. The questions --

21 A. -- from beginning to end.

22 Q. The questions where you were silent, why
23 didn't you answer them?

24 A. I -- I -- because I didn't.

25 Q. Because you --

Michelle MacDonald Shimota
10/20/2016

Page 141

1 A. Because I didn't.

2 Q. Because you chose not to, right?

3 A. No, because I didn't do anything wrong. I
4 didn't harm anybody. There was nothing to be booked
5 for.

6 Q. So if I'm understanding --

7 A. And I knew the judge was going to let me
8 out, as soon as I got to a different judge, the
9 judge would just let me out. And that's another
10 thing I kept asking for, when am I going to go to a
11 hearing, when am I going to go see a judge.

12 Q. All right. I'm just --

13 A. And then they promised me, oh, it's going to
14 be in an hour, and I'd be waiting, when's that going
15 to happen, oh, it's going to be in another hour, and
16 then that's going to happen, promise, promise,
17 promise. That's part of the frustration, that I
18 knew all I had to do was go see a judge, all they
19 had to do was bring me to go see a judge and they
20 didn't. They kept me in this physical restraints.
21 So just ask me another question.

22 Q. Sure. If I understand you correctly, I'm
23 not trying to put words in your mouth, you refused
24 to answer some of the questions asked of you by jail
25 staff because you felt like you hadn't done anything

Michelle MacDonald Shimota

10/20/2016

Page 142

1 wrong and didn't need to be booked, correct?

2 A. That is part of the answer. I did nothing
3 wrong, not I felt like I did nothing wrong. I did
4 nothing wrong. Nothing. And your people knew it.
5 Your people knew it. Nothing --

6 Q. Let me --

7 A. -- wrong. Nothing. And your people knew
8 it.

9 MR. PADDEN: Michelle, let him ask the
10 next question.

11 Q. Let me rephrase my question. If I'm hearing
12 you correctly, you refused to answer some of the
13 questions that were asked of you in the booking
14 process because it was your belief and your opinion
15 that you had done nothing wrong and shouldn't have
16 been incarcerated?

17 A. I -- I just answered the question, asked and
18 answered.

19 Q. You can answer the question.

20 A. Your people --

21 Q. Would you please answer the question.

22 A. Your people did this. You can pick apart 30
23 hours of what I endured all you want. Answer the
24 question. Didn't answer a question. You just pick
25 it apart. Stop wrenching out things as if that this

Michelle MacDonald Shimota

10/20/2016

Page 143

1 was okay. What they did to me was not okay.

2 MR. TIMMERMAN: Could you read back my
3 question, please.

4 Q. And I want a yes or no answer.

5 A. Your questions wasn't even a question.

6 MR. PADDEN: Okay. Just read back the
7 question, Madam Court Reporter, and then we will --

8 A. I just answered your question.

9 MR. PADDEN: Michelle --

10 (Reporter read pending question.)

11 A. Right.

12 MR. PADDEN: That's -- you answered it.
13 Good.

14 Q. Thank you. Let's look at Exhibit 9, please.
15 Do you recognize these documents?

16 A. No, I don't.

17 Q. Exhibit 9 is Bates labeled DC 00032 through
18 DC 00036.

19 A. Was this a document that was produced like
20 you say the other ones were that I might not have
21 seen?

22 Q. This was produced to your lawyer,
23 Mr. Padden. Were you aware that jail staff were
24 periodically conducting well-being checks on you at
25 the jail?

Michelle MacDonald Shimota

10/20/2016

Page 144

1 A. No.

2 Q. Do you know what well-being --

3 A. At some point in the evening I understood
4 that.

5 Q. Do you know what well-being checks are?

6 A. No.

7 Q. Do you have any personal knowledge regarding
8 the jail's policies and procedures for inmate
9 well-being checks?

10 A. No.

11 Q. Do you have any personal knowledge regarding
12 the Minnesota Department of Corrections' rules
13 regarding well-being checks and the frequency with
14 which they must be performed?

15 A. No. But I wouldn't call them well-being
16 checks --

17 Q. Observations?

18 A. -- at all. That's a bad term, because they
19 should have just let me out. That was -- that's
20 bull. That's bull. Just let me out and let me have
21 my well being out in my freedoms.

22 Q. So this Exhibit 9, the first entry
23 indicates, placed in negative pressure room, will
24 not answer any questions. Do you see that?

25 A. Yes.

Michelle MacDonald Shimota

10/20/2016

Page 145

1 Q. And that's an entry by Corporal Farrel Byrd.
2 Do you see that?

3 A. Yes.

4 Q. And then it shows that -- the various jail
5 staff who observed you and the times at which you
6 were observed. Do you see that?

7 A. Mm-hmm.

8 Q. Okay. And it looks like you refused your
9 dinner time meal bag on September 12. Does that
10 sound right?

11 A. I don't recall. I recall eating and getting
12 bags and then I -- at some point they -- you put the
13 bag back and I ended up keeping them because I
14 determined I could put them around my feet with the
15 napkins and then put my feet into the rubber
16 slippers that they gave me. So I started to take
17 the bags. I don't -- was that the first meal? I
18 don't recall.

19 Q. Okay. Do you have any personal knowledge --

20 A. Oh, I mean it says -- what are you looking
21 at? Which one?

22 Q. 23:02.

23 A. It says refused meal bag and he left it
24 there.

25 MR. PADDEN: Which one --

Michelle MacDonald Shimota

10/20/2016

Page 146

1 Q. I'm looking at 17:29.

2 A. Yeah, I remember I got a meal.

3 Q. Okay. And it was left there for you?

4 A. Yes.

5 Q. Okay. Do you have any personal knowledge
6 regarding what the actual temperature of the
7 negative pressure room was while you were in it?

8 A. It -- it was freezing.

9 Q. I'm talking about what a thermometer said
10 the temperature was.

11 A. It was just freezing, freezing cold like
12 being in a freezer or cold, cold, refrigerator like
13 that -- worse than at a liquor store where they --
14 where you go in and get alcohol. It was that kind
15 of cold with no clothes on.

16 Q. The negative pressure you were placed in,
17 did that have a window on the door?

18 A. Yes.

19 Q. And did the deputies look through there to
20 observe you periodically?

21 A. Yes.

22 Q. Did it also have a flap that closed on the
23 window, do you recall?

24 A. I don't recall.

25 Q. Did you ever at one point in time see that

Michelle MacDonald Shimota

10/20/2016

Page 147

1 flap closed so no one could see in?

2 A. I don't recall. What do you mean by flap?
3 A curtain?

4 Q. A curtain or partition.

5 A. I remember a curtain, and sometimes that
6 would be closed and sometimes it would open.

7 Q. So sometimes the curtain was placed over the
8 window and sometimes it was not?

9 A. Yes.

10 Q. Thank you. Do you have any personal
11 knowledge about the jail's policies and procedures
12 dictating what happens when an inmate misuses jail
13 issued items?

14 A. No.

15 Q. Do you have any personal knowledge of the
16 jail's policies and procedures dictating what
17 happens when an inmate uses jail issued items for
18 purposes other than their intended purpose?

19 A. No. Now, Gonder was on -- okay. These are
20 your questions.

21 Q. DC 00033, could you turn to that page,
22 please?

23 A. DC --

24 Q. 00033. Same Exhibit. I'm sorry. Just flip
25 forward. Top entry on this page, September 12 at

Michelle MacDonald Shimota

10/20/2016

Page 148

1 21:01, toilet paper removed from around her head.
2 She told me she is not talking to me. What happened
3 with your toilet paper?

4 A. Who was that?

5 Q. Gonder.

6 A. Oh, of course.

7 Q. What happened with the toilet paper?

8 A. Back to your other question. So this is how
9 they treat people in jail. They have policies and
10 procedures --

11 Q. My question --

12 A. -- exactly the way they treated me.

13 Q. Would you answer my question, please?

14 A. And those got to change.

15 Q. Your narrative answers are going to keep us
16 here --

17 A. Especially when they jail somebody --

18 MR. PADDEN: Michelle, you've got to --
19 please try to answer his questions.

20 A. -- for no reason.

21 Q. I understand your position. I've explained
22 that to you. My question for you is, what happened
23 with your toilet paper? Why was it removed?

24 A. They came in and they ripped it off my feet
25 and they ripped it off my head, or I ripped it off,

Michelle MacDonald Shimota

10/20/2016

Page 149

1 I don't remember. They made me rip it off.

2 Q. Had you --

3 A. And they ripped it off my body because I was
4 freezing cold --

5 Q. For --

6 A. -- that I learned, and I was also using it
7 as a pillow, because I was -- one point it was
8 complete cement, complete cement, no mattress,
9 nothing between me and thin pants and a thin shirt
10 between me and the cement. So that's what I used
11 the toilet paper for to -- I started to realize
12 there are some things in here that I can use to stop
13 this tortuous treatment of me. And I also used it
14 to wrap around my head so I could not -- I didn't
15 have to see, because you guys kept the lights on
16 bright and you froze the room. The room was
17 completely freezing, and you didn't give me a
18 blanket and you took away my mattress.

19 Q. For lack of a better term, did you mummify
20 yourself with the toilet paper?

21 A. Oh, mummify myself.

22 Q. I'm just trying to --

23 A. Yeah, it was humiliating.

24 Q. I'm trying --

25 A. It was humiliating.

Michelle MacDonald Shimota

10/20/2016

Page 150

1 Q. I'm trying to think of a -- I'm trying to
2 think of a --

3 MR. PADDEN: I think what he's --

4 A. It was humiliating.

5 MR. PADDEN: Time out. I think what
6 he's suggesting -- Jeff, I'm helping, she's --

7 MR. TIMMERMAN: Sure.

8 MR. PADDEN: I think what he's -- I
9 think what he's asking is were you using the toilet
10 paper in such a way that it might appear like a
11 mummy, but I think you said you were doing it
12 because you were cold?

13 THE WITNESS: Yeah, they said -- that's
14 what they said. They said, you're mummifying
15 yourself.

16 MR. PADDEN: That's what the sheriff
17 deputy said?

18 THE WITNESS: Like that. I kept
19 pushing the medical button.

20 MR. TIMMERMAN: Want to take a break?

21 MR. PADDEN: Yeah, I think this would
22 be a good time for a lunch break.

23 THE WITNESS: I wanted to get out of
24 there.

25 MR. PADDEN: Off the record, Jeff.

Michelle MacDonald Shimota
10/20/2016

Page 151

1 THE VIDEOGRAPHER: We're going off the
2 record at 11:57 a.m.

3 (Break from 11:57 a.m. to 12:35 p.m.)

4 THE VIDEOGRAPHER: We're back on the
5 record. Time is 12:35 p.m.

6 BY MR. TIMMERMAN:

7 Q. Ms. MacDonald, when we left off before lunch
8 we were talking about toilet paper being removed
9 from your cell. And you testified a little bit how
10 you wrapped yourself with it, correct?

11 A. Mm-hmm.

12 Q. And it was removed from your cell. Was it
13 explained to you that it was removed from your cell
14 because you had wrapped yourself?

15 A. No, they didn't explain anything, they just
16 came and ripped it off me.

17 Q. At any point in time did you get new or
18 replacement toilet paper?

19 A. They took the entire roll the second time
20 they came in to rip the toilet paper off me.

21 Q. So they came in twice?

22 A. They took the whole roll.

23 Q. The first time you had --

24 A. I don't remember when they brought toilet
25 paper after that. They just took the whole roll the

Michelle MacDonald Shimota

10/20/2016

Page 152

1 second time.

2 Q. So the first time they came in did they tell
3 you not to did that, not to wrap yourself with the
4 toilet paper?

5 A. I don't remember them telling me not to, you
6 know, point blank. I was just freezing cold and the
7 lights were on, and I was using it to survive in
8 that -- try to survive in the environment that they
9 had put me in.

10 Q. So you don't know whether or not toilet
11 paper was ever brought back to the cell?

12 A. I don't know if they -- when they took it if
13 they ever brought it back. They took the entire
14 roll at one point.

15 Q. Okay.

16 A. I'm just trying to remember if somebody
17 later on may have brought the whole roll back. I
18 don't think so, though. I don't think so.

19 Q. You've indicated in your complaint that at
20 one point in time you soiled yourself, is that
21 correct?

22 A. Yes.

23 Q. Was that during the night?

24 A. It was during the whole ordeal. I'm not
25 sure when exactly.

Michelle MacDonald Shimota

10/20/2016

Page 153

1 Q. Was this toilet paper in your cell at that
2 point in time?

3 A. I don't think so.

4 Q. Do you know for sure?

5 A. I wouldn't have -- I don't think so.

6 Q. At any point in time did you ask jail staff
7 for new toilet paper?

8 A. Yes, probably. I kept pushing the medical
9 button to get things. I was asking to let them let
10 me go. And the toilet paper was a minimal thing
11 because the room was freezing. And ultimately I had
12 nothing in that room except cement and -- and that's
13 all. Cement, and then they had rubber shoes, and
14 that was all I think they had --

15 Q. Who ultimately --

16 A. -- for me. And they took my toilet paper as
17 well.

18 Q. Who ultimately removed the toilet paper?

19 A. I know Gonder was in and out of my cell.

20 Q. Do you know for certainty who --

21 A. He came walking in and grabbed them. I'm
22 thinking it was Gonder. I'll have to look at the
23 video that you promised to allow me to get again.

24 Q. You ultimately -- you indicted in your
25 responses to my clients' request for admissions that

Michelle MacDonald Shimota
10/20/2016

Page 154

1 you had a mattress in your room but maybe you tried
2 to wrap yourself with it or crawl under it, is that
3 accurate?

4 A. Yes. And it was Gonder when they were
5 bringing me back from taking those pictures that he
6 said he had an idea and he went ahead of the
7 wheelchair, somebody did or maybe he told them the
8 idea, and I -- he pulled the mattress out of my --
9 somebody did. I'll have to look at the video, but
10 he purposely went in there and took my mattress. I
11 don't know whether that was before the toilet
12 paper -- I think it was before the toilet paper.
13 Because I was on cement. It was just cement for a
14 long, long -- for hours and hours. So the mattress
15 was purposely taken as a -- he went in there and
16 said, I have another idea.

17 Q. Do you know if jail staff observed you
18 crawling under your mattress at any point in time?

19 A. I would think they -- that's the sad part,
20 I'm thinking they could see what was happening to me
21 and nobody really was caring. They probably saw all
22 of my struggles that entire ordeal.

23 Q. Did you cover yourself with the mattress
24 such that the mattress was entirely on top of you?
25 Or logistically how did that work?

Michelle MacDonald Shimota
10/20/2016

Page 155

1 A. I don't remember. When I had a mattress I
2 was on it, I was off it, I was trying to get
3 comfortable all night long with the tools that I
4 had. And eventually they took all the tools that I
5 had to get a minimal to try to be comfortable.

6 Q. Did you have a pillow at any point in time?

7 A. I didn't think so. I don't know. I may
8 have. They took it. I just remember one nice,
9 nice, female deputy that -- I was laying on the
10 mattress and she said something like, I'm supposed
11 to take that, but I'll leave it for you, so --

12 MR. PADDEN: Do you have a Kleenex in
13 here?

14 A. I don't think I was supposed to have a
15 mattress at all, but she let me have it. And then
16 the -- Gonder, after that humiliating picture said
17 he had an idea, and then I saw him go into my cell
18 and take it. That was his idea. And then I was
19 just in -- on cement. And I had -- I don't know if
20 that was before the toilet paper, it probably was
21 before the toilet paper, because at that point the
22 cement was freezing cold. The cement was just
23 freezing cold. It was like sleeping on ice, a piece
24 of ice. And the floor was the same as the bed. And
25 I was trying to go from place to place.

Michelle MacDonald Shimota

10/20/2016

Page 156

1 Then I thought of the toilet paper. Then I
2 thought of the toilet paper. And I had this shirt
3 on and it was thin, and I put it -- it had some
4 holes in it, and I kept thinking of ideas to get --
5 get it comfortable, and nothing was working. And
6 finally when I thought of the toilet paper, wrapping
7 it around my head so the light was out -- excuse
8 me -- and then around my feet and parts of my body.
9 Then I thought, okay, I can -- can get
10 semi-comfortable. And then -- then -- then Gonder
11 or somebody else came in and took it away from me.
12 Made me take it all off. And then -- and then I --
13 and then I didn't have it anymore. I didn't -- and
14 I kept trying to find different ways, I'm sorry, to
15 be -- to be comfortable. And -- and -- and --

16 MR. PADDEN: If you -- are you okay,
17 Michelle? Should we take a break?

18 THE WITNESS: No, no, no, no.

19 Q. Okay. With respect to the pillow you don't
20 know one way or another whether you ever had one?

21 A. I don't remember about the pillow.

22 Q. Okay.

23 A. I might have had one at some point. I just
24 remember I had the mattress when I wasn't supposed
25 to.

Michelle MacDonald Shimota

10/20/2016

Page 157

1 Q. What about --

2 A. The nice woman deputy --

3 MR. PADDEN: Michelle, look, you can't
4 testify like this. Should we take a break? Are you
5 okay? Try to -- try to -- I don't want to --

6 A. I already said the woman deputy.

7 MR. PADDEN: Settle down.

8 Q. I understand --

9 A. The woman deputy said she wasn't supposed
10 to, but she was going to let me keep it.

11 Q. Did you ever have a blanket in the cell at
12 all?

13 A. No, never. I don't think I ever had a
14 blanket.

15 Q. And were you able to use the toilet in the
16 cell?

17 A. Mm-hmm.

18 Q. You've indicated in your responses to
19 request for admissions that no deputies or jail
20 staff were in your cell when you used the toilet,
21 correct?

22 A. When I was sitting on the toilet?

23 Q. Correct. No deputy was inside your cell.

24 A. Not that I recall, no. Is that on the
25 video? Did they actually come in?

Michelle MacDonald Shimota
10/20/2016

Page 158

1 Q. No.

2 MR. PADDEN: Michelle, Michelle, come
3 on. He's just asking a question. Okay? We've got
4 to take a break.

5 THE VIDEOGRAPHER: We're going off the
6 record at 12:44 p.m.

7 (Break from 12:44 p.m. to 12:46 p.m.)

8 THE VIDEOGRAPHER: We're back on the
9 record at 12 --

10 MR. PADDEN: Time out.

11 THE VIDEOGRAPHER: We are back on at
12 12:46 p.m.

13 BY MR. TIMMERMAN:

14 Q. Just to make clear, there's no indication
15 that any jail staff was inside your cell when you
16 used the toilet. But you've alleged in this lawsuit
17 that jail staff watched you use the toilet.

18 A. Yes.

19 Q. What is the basis of that claim?

20 A. They left the curtain open.

21 Q. Did you ever actually observe any jail staff
22 watching you while you were using the toilet?

23 A. I don't know.

24 Q. Do you recall one way or another?

25 A. I don't know. I'd have look at the video.

Michelle MacDonald Shimota

10/20/2016

Page 159

1 Q. Well, there's no video of the cell. Cells
2 are not videoed, inside of cells are not videoed.
3 So it's important -- this point is important. Do
4 you recall a deputy ever watching you use the
5 in-cell rest room from the window?

6 A. I don't recall.

7 (MacDonald Deposition Exhibit No. 10
8 marked for identification.)

9 BY MR. TIMMERMAN:

10 Q. Ms. MacDonald, this is Exhibit 10 to your
11 deposition. It is a series of photographs of the
12 negative pressure room where you were kept in the
13 jail. The first one is labeled DC 00070, and we
14 talked earlier about the little screen or curtain
15 that covered the cell window at times. Is that the
16 curtain that you recall?

17 A. I thought it was smaller, but it must be
18 right.

19 MR. PADDEN: What number is this,
20 Counsel?

21 MR. TIMMERMAN: 70, Exhibit No. 10.

22 MR. PADDEN: Okay. Thank you. There
23 was a 23 on here, so.

24 MR. TIMMERMAN: Oh, yeah, let me take
25 that. That's just my internal number.

Michelle MacDonald Shimota

10/20/2016

Page 160

1 A. Is the curtain on the outside or -- on the
2 outside, I see it now.

3 BY MR. TIMMERMAN:

4 Q. Then you see it with the curtain pulled off
5 in the next picture, in 71? 72 is a picture of the
6 cell toilet through the window of the cell.

7 A. Yes.

8 Q. And 73 is a picture of the cell toilet from
9 inside the cell.

10 A. Mm-hmm.

11 Q. Look at 72 for me.

12 A. Is this the actual cell I was in?

13 Q. Yes. If you look at 72 for me, please.

14 A. Mm-hmm.

15 Q. You would agree with me that there's a
16 partition there, correct, in front of the toilet?

17 A. Mm-hmm.

18 Q. So even if someone had been watching you use
19 the rest room from the cell window, they would not
20 have been able to see your vagina or your buttocks,
21 would they?

22 A. I was -- if I was pulling my pants down
23 standing in front of them they would have been able
24 to see that.

25 Q. Do you know if that ever occurred?

Michelle MacDonald Shimota

10/20/2016

Page 161

1 A. I didn't notice. The window is huge. It
2 could have occurred, yes --

3 Q. Do you know if it did or didn't?

4 A. -- left it open.

5 MR. PADDEN: I think what he's asking,
6 Michelle, is --

7 A. I don't know.

8 MR. PADDEN: -- did you ever see
9 anybody looking out the window, so we can move --

10 A. I don't know.

11 MR. PADDEN: Okay.

12 A. I very clearly recall having that concern.

13 Q. Do your amended interrogatory answers,
14 specifically your answer to number 6, identify all
15 of the ways in which you claim that your Fourteenth
16 Amendment rights were violated at the jail on
17 September 12th and 13th of 2013?

18 A. My rights were violated immediately when
19 they took me in from beginning to end, so I tried to
20 list all of the things they did from beginning to
21 end, some of the main things that they did. But the
22 violation was ongoing from beginning to end. That's
23 how it works when you violate somebody's civil
24 rights.

25 Q. I'm just asking you whether or not you

Michelle MacDonald Shimota

10/20/2016

Page 162

1 listed all the facts pertaining to your conditions
2 of your confinement at the jail that you claim
3 violated your rights.

4 A. And like I explained, it's hard to put 30
5 hours of facts, but I did my best here, yes.

6 Q. Is there anything that's not in this answer,
7 amended answer to interrogatory number 6, that you
8 claim somehow violated your rights at the jail?

9 A. The whole thing violated my rights.

10 Q. What sexual humiliation were you subjected
11 to at the jail?

12 A. Just the -- I -- the whole thing for the
13 most part. The jail area or just the whole thing
14 was a picking on me, because they never would have
15 done this to a man attorney.

16 Q. What's the basis --

17 A. Some of the main things were that they could
18 look into my cell, so as I'm getting comfortable I'm
19 basically taking off my clothes. Because I had a
20 shirt on, I'd have to pull my pants down to try to
21 cover my feet. I took my bra -- half bra off and
22 wrapped it around my feet so my nipples could show,
23 because I was freezing, through the room. It was a
24 viewing of sorts being behind a glass of all the
25 ways that I was trying to keep comfortable, get

Michelle MacDonald Shimota

10/20/2016

Page 163

1 comfortable. And it was -- anytime they walked in
2 there I was in a humiliating disfigured form.

3 Q. Any other ways in which you claim you were
4 sexually humiliated at the jail?

5 A. The whole thing.

6 Q. What do you mean by that?

7 A. The whole from beginning to end, coming into
8 my room.

9 Q. Entering your cell and viewing you through
10 your cell?

11 A. Entering my cell, taking my toilet paper,
12 watching me in that humiliating fashion.

13 Q. Anything else that you can recall?

14 A. Not that I haven't already told you.

15 Q. You also claim that you were subjected to
16 sleep deprivation at the jail. How many hours did
17 you sleep?

18 A. None.

19 Q. You didn't sleep at all?

20 A. Not one wink.

21 Q. Who subjected you to sleep deprivation?

22 A. The defendants.

23 Q. How?

24 A. By taking me out of my life, capturing me,
25 and putting me in a freezing cold room with lights

Michelle MacDonald Shimota
10/20/2016

Page 164

1 on all night, all night long, not allowing me --
2 not -- no blanket, no nothing. Isn't that obviously
3 what they did?

4 Q. Did anyone interrupt you during the night?

5 A. Yes.

6 Q. Who?

7 A. All the time, constantly.

8 Q. How?

9 A. Coming to my cell and looking in,
10 answering -- sometimes answering my medical button,
11 sometimes not answering my medical button, sometimes
12 saying that they're going to come back with
13 something and then not doing it. Constant
14 interruptions throughout the night by particularly
15 Gonder, because he stayed overtime to just --

16 Q. How do you know he stayed overtime?

17 A. Because he was there in the morning. So how
18 was -- why was he there at 3 in the morning or 4 in
19 the morning. I would think that he stayed -- he
20 certainly came to just do more damage to me.

21 Q. Do you know what Deputy Gonder's work shift
22 was that day?

23 A. No. I would imagine his work shift isn't
24 from 8:30 in the morning all the way until midnight,
25 1 or 2 or 3 a.m. or 4 a.m., however long he stayed.

Michelle MacDonald Shimota
10/20/2016

Page 165

1 Q. Do you know one way or another for certain?

2 A. No, you know that. Why don't you tell me?

3 Q. And you claim that no male attorney would be
4 treated that way. Do you have any personal
5 knowledge regarding how male attorneys have been
6 treated at the jail?

7 A. If -- if -- no.

8 Q. Okay. Thanks.

9 A. It was an all-men's jail. That's another
10 humiliation. This was not even a jail women stayed
11 at. Thank you very much.

12 Q. It's your understanding that women are
13 boarded out to the Ramsey County workhouse, right?

14 A. Right.

15 Q. But that doesn't happen immediately. Are
16 you aware of that?

17 A. Yeah, I would think it would happen within
18 30 hours. I was the only one in that jail all night
19 long.

20 Q. How do you know that?

21 A. Because I asked somebody. I said that I
22 didn't harm anybody. I said how many -- I said how
23 many -- and they -- somebody said there are, I
24 forget the number they used, 199 men in this jail
25 and none of them have harmed anybody, what are you

Michelle MacDonald Shimota
10/20/2016

Page 166

1 talking about, what are you saying you didn't harm
2 anybody, none of them -- none of these people have
3 harmed anybody.

4 Q. Specifically how do you know there were no
5 other female inmates?

6 A. Because he said, there are other men in the
7 jail.

8 Q. Did he say there are no other women in the
9 jail?

10 A. No, they said there's a hundred -- it was a
11 she I think gave the number, and said there are 198
12 men in this jail that haven't harmed anybody so what
13 are you talking about, there are -- why are you
14 talking about you didn't harm anybody, there are a
15 hundred and something men. And so then the joke was
16 I slept with a 199 men, something like that.

17 Q. Who made that joke?

18 A. It wasn't made that night.

19 Q. Who made it?

20 A. I don't remember who made it.

21 Q. Was it your husband?

22 A. No.

23 Q. And you -- again, you don't know --

24 A. He wouldn't make a joke like that.

25 MR. PADDEN: What was that?

Michelle MacDonald Shimota
10/20/2016

Page 167

1 A. He wouldn't make a joke like that.

2 MR. PADDEN: I just didn't hear what
3 you said. I'm sorry.

4 Q. Again, you don't know who made the decision
5 to put you in the negative pressure room, correct?

6 A. No. I didn't know of any such thing. I had
7 never been in jail.

8 Q. Okay.

9 MR. TIMMERMAN: I don't have an extra
10 copy of this, Mike. I'm sorry. You're welcome to
11 review it.

12 MR. PADDEN: What is it?

13 MR. TIMMERMAN: Something she produced.

14 MR. PADDEN: Okay.

15 MR. TIMMERMAN: First letter. This
16 will be Exhibit 11.

17 (MacDonald Deposition Exhibit No. 11
18 marked for identification.)

19 BY MR. TIMMERMAN:

20 Q. Is this a document you produced in this
21 lawsuit? Does it look familiar to you?

22 A. Mm-hmm, yeah.

23 Q. Something you drafted?

24 A. I believe so, yes.

25 MR. TIMMERMAN: May I see it for one

Michelle MacDonald Shimota
10/20/2016

Page 168

1 second, please?

2 MR. PADDEN: Sure.

3 MR. TIMMERMAN: For a moment?

4 MR. PADDEN: Sure. Go ahead.

5 BY MR. TIMMERMAN:

6 Q. Who did you send this to?

7 A. I don't recall.

8 Q. And it looks like --

9 A. I look like I might have sent it to a lot of
10 people. That was Sandra Rucki's --

11 Q. E-mail?

12 A. -- e-mail at the time.

13 Q. Thank you.

14 A. But --

15 Q. Okay.

16 A. I'm not sure if it was just her. It might
17 have been just her. I was writing her -- I was
18 working on her civil rights case.

19 Q. Read this sentence right there, please, it
20 starts with, I was.

21 A. Yeah. Yeah.

22 Q. Could you read that out loud?

23 MR. PADDEN: Do you want her to read it
24 out loud or to herself?

25 MR. TIMMERMAN: Out loud.

Michelle MacDonald Shimota

10/20/2016

Page 169

1 A. Oh, I was one of 300 inmates that night.
2 Since it is an all men's jail my husband Tom jokes
3 that I slept with -- so you caught me, I guess he
4 did make that joke. It was so long ago. So he made
5 the joke, yeah.

6 Q. Okay.

7 A. Yeah.

8 Q. How were you subjected --

9 A. That's probably not --

10 MR. PADDEN: Wait for the next
11 question, please.

12 A. Okay.

13 Q. What sensory bombardment were you subjected
14 to at the jail?

15 A. All kinds, just the walking, the keys,
16 people coming in and out, there were comments made
17 responding to me on the medical button. There were
18 just the keys. So as I was seeing it I'm wondering
19 when are they going to come in my room next. Doors
20 opening and closing.

21 Q. Anything else?

22 A. Alarms going off.

23 Q. Okay.

24 A. Sirens.

25 Q. Anything else?

Michelle MacDonald Shimota

10/20/2016

Page 170

1 A. I can't think of anything else.

2 Q. Okay. And the medical button, you pushed
3 that somewhat, correct?

4 A. Right.

5 Q. How many times --

6 A. That didn't make a noise, but the voices on
7 the other end, they wouldn't identify themselves
8 and --

9 Q. How many times did you push it?

10 A. I thought lots and lots of times. You
11 should have a record of that. I asked for the audio
12 of it lots of times.

13 Q. There's no audio recording of medical alert.
14 The siren at the jail, when did that go off?

15 A. It went off a couple of times as far as I
16 remember.

17 Q. Any idea why?

18 A. Because somebody was committing suicide.

19 Q. According to whom?

20 A. I -- according to one of the deputies told
21 me that's what it meant.

22 Q. The suicide siren?

23 A. Mm-hmm.

24 Q. Are you aware of anybody actually attempting
25 to commit suicide that night?

Michelle MacDonald Shimota

10/20/2016

Page 171

1 A. I was praying for whoever it was because
2 they told me that somebody was committing suicide.
3 So I don't know if somebody committed suicide.

4 Q. Okay. And the alarms that went off, what
5 were those for? Do you know?

6 A. I don't know.

7 Q. You've alluded to in your complaint to the
8 fact that someone at some point had told you that
9 they had seen a dead body at the jail?

10 A. Yes.

11 Q. Could you explain the context of that,
12 please?

13 A. One of the female deputies told me. I
14 forget whether she was in my room or not, but she
15 told me that she had walked into a cell and there
16 was a dead person there.

17 Q. What was the context of that conversation?
18 Did you ask her about that?

19 A. I don't remember the exact context.

20 Q. Did she say this to you in a menacing manner
21 or was it more of an inquisitive conversation you
22 were having with her?

23 A. I don't recall. I just remember saying that
24 I've seen a dead body in here. I don't know if it
25 was that night or whenever that she had walked into

Michelle MacDonald Shimota

10/20/2016

Page 172

1 somebody's cell and they were dead. So I don't know
2 if it was in the context of the alarms going off.

3 Q. And when --

4 A. Them wanting to -- to -- thinking I was
5 going to commit suicide at one point, it might have
6 been in that context. Because at one point they
7 thought I was going to commit suicide.

8 Q. Why would they think that?

9 A. Well, they came in and they wanted -- I just
10 remember laying on the -- the cement or the
11 mattress. And they wanted to -- they asked me if my
12 nylons that I had on were up to my waist or were
13 knee highs. And I was in such a fog that I didn't
14 even comprehend that I even had nylons on. I was
15 just -- so -- so -- so then they left, and then next
16 thing you know they came in and took my nylons off
17 me, which was -- they were part of what might have
18 been keeping me warmer, so I was -- I lost
19 another -- another tool that I was trying to use to
20 be comfortable when they took my nylons.

21 Q. Did a female deputy take those off?

22 A. I don't remember who it was.

23 Q. Do you recall at one point in time asking if
24 you would be treated differently if you were
25 suicidal?

Michelle MacDonald Shimota
10/20/2016

Page 173

1 A. Yes.

2 Q. And why did you ask that?

3 A. Because I was suffering and I thought that
4 if -- I thought that they treated people who were
5 suicidal better.

6 Q. And you were told that people who were
7 suicidal are stripped down and put into a padded
8 cell, correct?

9 A. Yes, yes. They said, are you feeling
10 suicidal. And I said, what if I was. And I was --
11 in my thinking I was thinking that if somebody in a
12 jail is suicidal that they would comfort them or try
13 to help them, make them -- you know, just care for
14 them. But they said that they would strip me down
15 naked and put me in a padded -- in a straitjacket
16 and then throw me in a padded cell.

17 Q. So you couldn't kill yourself that way,
18 correct? Do you think that's a --

19 A. Right.

20 Q. -- a reasonable precaution to take so
21 someone can't actually follow through?

22 A. No, I think that's a horrible precaution to
23 take.

24 Q. Do you have any --

25 A. I think that maybe a -- a -- a -- being

Michelle MacDonald Shimota

10/20/2016

Page 174

1 loving and caring to that person in their
2 circumstance would be a better approach than
3 stripping them and humiliating them even more and
4 putting them in a straitjacket and throwing them in
5 a padded cell.

6 Q. Do you have any personal knowledge regarding
7 Minnesota Department of Correction rules regarding
8 inmates who are suicidal?

9 A. No.

10 Q. What psychological techniques were you
11 subjected to at the jail?

12 A. Throughout the whole ordeal.

13 Q. What techniques?

14 A. It was -- throughout the whole ordeal there
15 was coercion and horror.

16 Q. I am asking specifically, though, about
17 psychological techniques, which I think --

18 A. I -- I -- techniques to -- I mean,
19 techniques to make me talk. I even pushed the
20 button, I'm like, I want to confess, what am I
21 doing. This is the whole thing was I didn't -- I
22 didn't know what they wanted me to do. I did
23 nothing wrong to get in there. So just the whole
24 thing was just a -- a -- a psychological breakdown.
25 This is what they wanted me to do, taking my stuff,

Michelle MacDonald Shimota

10/20/2016

Page 175

1 stripping me of everything.

2 Q. Any other psychological techniques that
3 you're claiming?

4 A. The whole thing was a psychological
5 technique.

6 Q. You've also in your amended answer to
7 interrogatory 6 that you were also subject to,
8 quote, "other forms of unconstitutional conduct at
9 the jail."

10 A. Mm-hmm.

11 Q. What other forms of unconstitutional conduct
12 are you referring to?

13 A. And I'm letting you know again that from --
14 you know, when you take somebody out of their life
15 like that you can't just do it and say, well, I
16 treated you well or I treated you horribly. That's
17 the constitutional violation right there, when they
18 grabbed me and took me away from that courtroom.

19 Q. Anything else, any other forms --

20 A. The whole ordeal.

21 Q. The whole ordeal, okay.

22 A. It's one giant civil rights violation that
23 you, my friend, should recognize very clearly. You
24 don't just pull somebody from their life like that
25 and lock them up for 30 hours.

Michelle MacDonald Shimota

10/20/2016

Page 176

1 Q. When you were confined at the jail did you
2 ever tell any jail employees that you would sue
3 them?

4 A. No.

5 Q. Did you ever threaten a lawsuit while
6 incarcerated?

7 A. No.

8 Q. Which jail --

9 A. Not that I remember. Because, again, I'm in
10 a -- a state that no one can even -- I couldn't
11 imagine being that -- not that I remember. I just
12 remember trying to be as cooperative as possible,
13 you know, because anything I said or did they
14 didn't -- you know, they were -- it was a -- a -- I
15 was trapped and I was confined the whole time
16 from -- from taking me out of the courtroom until
17 they finally let me free.

18 Q. I may have asked you this already, I
19 apologize if I did, but you never saw anyone
20 attempting to commit suicide at the jail, correct?

21 A. No, I just heard the sirens and then the
22 woman told me that she had seen a dead body in a
23 cell.

24 Q. And you never saw a dead body?

25 A. I don't know which one that was. No, I

Michelle MacDonald Shimota

10/20/2016

Page 177

1 didn't see a dead body. I prayed for whoever it
2 was, so maybe they didn't commit suicide.

3 Q. Do you have any personal knowledge about the
4 jail's policies and procedures for housing female
5 inmates?

6 A. No. I was an inmate?

7 Q. You've alleged in the lawsuit that jail
8 staff taunted you at the jail.

9 A. Are you saying I was an inmate?

10 Q. What's that?

11 A. Forget it.

12 MR. PADDEN: Just let him ask the
13 questions.

14 A. I didn't say I was an inmate. I was asking
15 you a question. But go ahead.

16 MR. PADDEN: Go ahead and ask the next
17 question.

18 Q. Which jail personnel taunted you at the jail
19 that you've claimed in the lawsuit?

20 A. Many of them.

21 Q. Who?

22 A. Well, Gonder for sure.

23 Q. How did he taunt you?

24 A. All night long.

25 Q. How?

Michelle MacDonald Shimota
10/20/2016

Page 178

1 A. Any chance he could find. He took my --
2 going back was he took my mattress, he told me that
3 I'd never see my camera again, him and others said I
4 looked beautiful when they knew darn well they put
5 me in such a state that I did not look very nice,
6 the Nelson Mandela comment, the crocodile tears
7 comment, the we're not going to give you anything,
8 taking my toilet paper, saying that I was a mummy,
9 just on and on, on and on, and, you know, things
10 like, you know it's going to get worse for you, that
11 was said at least twice.

12 Q. Who said it?

13 A. I believe it was Gonder.

14 Q. Both times?

15 A. I don't know if it was Gonder the -- I think
16 he was the first time maybe. But that was said a
17 few times, things are only going to get worse, and
18 they're only going to get worse. And they did get
19 worse, they got worse and worse and worse.

20 Q. Beyond Deputy Gonder are you claiming that
21 anybody else taunted you at the jail?

22 A. I think regularly they were just taunting
23 me. I mean, the comments about being beautiful and
24 they knew I weren't and not letting me have things,
25 that to me is not something that you do when you're

Michelle MacDonald Shimota

10/20/2016

Page 179

1 you know, caring for people.

2 Q. Anything else, any other way in which you
3 were taunted that we haven't discussed?

4 A. I can't recall at this time.

5 Q. And we talked a lot about your time at the
6 jail. Have we discussed all the ways in which you
7 claim that your due process rights were violated at
8 the jail on September 12th and 13th of 2013?

9 A. The jail, the whole thing is a due process
10 rights violation, if you understand due process at
11 all --

12 Q. I'm asking you --

13 A. The whole thing, the whole thing.

14 Q. I'm asking you if we've discussed all --

15 A. We can talk about the little particulars
16 that you could have taken me into that jail and just
17 kept me there and gave me all of my refreshments and
18 it's still a civil rights violation. So get that
19 through your head.

20 Q. I'm asking you if we have discussed all the
21 ways in which your civil rights were violated at the
22 jail to the best of your recollection.

23 A. To -- so -- what you're -- there -- and I'm
24 saying I discussed many of the ways my civil rights
25 were violated, but they were violated just by taking

Michelle MacDonald Shimota

10/20/2016

Page 180

1 me. They didn't have to taunt me, sexually
2 humiliate me, you know, take all my -- the limited
3 provisions that I had. They didn't have to do that
4 to violate my civil rights. It's violated
5 immediately when they take me into custody. So I
6 just want you to understand that.

7 Q. I understand --

8 A. So in that way I've told you many of the
9 things that happened to me, the whole thing is a
10 civil rights violation.

11 Q. Are there any other ways in which you claim
12 that your civil rights were violated at the jail
13 that we haven't discussed?

14 A. Not that I recall at this time. I can't
15 even watch -- watch those things, it upsets me, so.

16 Q. You were never threatened at the jail with
17 physical harm, were you?

18 A. The whole thing was a physical harm from
19 beginning to end. The whole thing was a threat.
20 They had guns.

21 MR. PADDEN: I think -- I think -- I
22 think what he means, Michelle, is I think did
23 someone say unless you do X I'm going to kick your
24 butt or something like that.

25 THE WITNESS: Not -- not --

Michelle MacDonald Shimota

10/20/2016

Page 181

1 MR. PADDEN: Wait a minute. Time out.
2 Is that fair, Jeff?

3 MR. TIMMERMAN: Yeah.

4 MR. PADDEN: I'm not trying to --

5 MR. TIMMERMAN: When threatened with
6 physical harm, I think it's a simple question.

7 A. Well, it was unless you do X I'm not letting
8 you -- I'm not giving you a blanket, unless you do
9 X, I'm not -- that's kind of unless you do. That's
10 harm. Do you get that, that that is harm --

11 BY MR. TIMMERMAN:

12 Q. I'm talking about --

13 A. -- when you're freezing cold?

14 Q. I'm talking about physical harm.

15 A. They didn't have to threat it, they were
16 doing it.

17 Q. Nobody at the jail said, I will physically
18 harm you if you don't do that, did they?

19 A. They just did -- they didn't say that. They
20 didn't threaten it, they just did it.

21 Q. I'm asking you whether or not anyone at the
22 jail threatened to hurt you physically.

23 A. They didn't threaten it, they just did it.

24 Q. Did anyone at the jail threaten to rape you
25 or sexually assault you?

Michelle MacDonald Shimota

10/20/2016

Page 182

1 A. No.

2 Q. Were you touched inappropriately at all at
3 the jail by any jail staff?

4 A. Yes.

5 Q. By whom?

6 A. By the deputies that were grabbing me.

7 Q. And grabbing you and --

8 A. They were not supposed to come into your
9 cell, and they did, in and out.

10 Q. Did any deputy touch your breast?

11 A. And the other harm was -- no. No, they
12 didn't touch my breast that I know. They grabbed
13 me -- I mean, that I know of, no.

14 Q. Did any deputy touch your buttocks?

15 A. That I know of, no.

16 Q. Did any deputy touch your vagina?

17 A. No.

18 THE VIDEOGRAPHER: We're going off the
19 record. That will be the end of disc two in the
20 deposition of Michelle Shimota. The time is 1:15
21 p.m.

22 (MacDonald Deposition Exhibits 12-13
23 marked for identification.)

24 (Break from 1:15 to 1:18 p.m.)

25 THE VIDEOGRAPHER: We're back on the

Michelle MacDonald Shimota

10/20/2016

Page 183

1 record. This is the continuation of the deposition
2 of Michelle MacDonald Shimota, the beginning of disc
3 three. The time is 1:18 p.m.

4 BY MR. TIMMERMAN:

5 Q. Ms. MacDonald, I placed in front of you
6 Exhibit 13, which is your first amended complaint in
7 this lawsuit. Do you recognize this document?

8 A. Yes.

9 Q. Did you draft it?

10 A. No.

11 Q. I'd like to go through some of your
12 allegations. If you could turn to paragraph 39,
13 please.

14 What evidence do you have that you were
15 placed in a courtroom holding cell to intentionally
16 initiate a plan to persecute and punish you for
17 bring a Section 1983 Case against Judge Knutson and
18 seeking his recusal?

19 A. You haven't given me the evidence.

20 Q. What evidence do you believe exists?

21 A. The deputies were in the courtroom I believe
22 the day before and that day, and were very much
23 aware of my name and that I had filed a lawsuit
24 against Judge Knutson.

25 Q. Is it your belief --

Michelle MacDonald Shimota

10/20/2016

Page 184

1 A. And -- and they also had conversations, as
2 you've mentioned earlier, with Judge Knutson without
3 my knowledge.

4 Q. Is it your belief that Judge Knutson
5 orchestrated your incarceration on September 12th
6 and 13th?

7 A. I believe there was a -- there had to be.
8 There had to be. Because I didn't do anything
9 illegal. There had to be some kind of a conspiracy
10 between the deputies and him and court personnel,
11 but the deputies are to blame.

12 Q. My question was, do you believe that Judge
13 Knutson orchestrated it?

14 A. I believe they all orchestrated it. So I
15 don't know. They all orchestrated it.

16 Q. You've accused Judge Knutson of
17 orchestrating it in bar complaints about him,
18 correct?

19 A. I made four bar complaints against Judge
20 Knutson, yes. And he happens to be on the Board of
21 Judicial Standards, so that didn't get anywhere.

22 Q. And Judge Knutson is still a city judge in
23 Dakota County, correct?

24 A. He is.

25 Q. So you say because my clients were in the

Michelle MacDonald Shimota
10/20/2016

Page 185

1 courtroom on September 12th -- 11th, excuse me, when
2 you informed Judge Knutson that you filed a civil
3 rights lawsuit against him, that knowledge led them
4 to retaliate against you for filing that lawsuit?

5 A. Right, they all -- they all aligned against
6 me. That had to be what happened, because why would
7 this happen if that didn't happen, if they all
8 aligned against me. I did nothing --

9 Q. Okay.

10 A. -- wrong.

11 Q. So aside from the fact that they were in the
12 courtroom on September 11th, what other proof do you
13 have that they all aligned against you?

14 A. The proof I just told you. Asked and
15 answered. That they had conversations obviously
16 amongst each other. This is -- this is things I
17 found out later, and they had conversations amongst
18 each other. They violated my rights. They looked
19 in my phone without a warrant. They looked at my
20 camera without a warrant. Just to -- why, I
21 don't -- to try to find -- to find me -- make me
22 wrong about something so that they could do this to
23 me.

24 Q. Well, you don't know whether they looked at
25 your camera, right? You testified you didn't know.

Michelle MacDonald Shimota
10/20/2016

Page 186

1 A. I assume they did because they took my
2 camera and they looked at my cell phone.

3 Q. I'm talking about your cell phone. I'm
4 sorry.

5 A. I mean, they obviously did.

6 Q. Let me clean up the record there. Your
7 camera was searched. Your cell phone --

8 A. And they'll lie about it, but they looked at
9 it. I don't know if they'll lie about it.

10 MR. PADDEN: Just answer the question,
11 Michelle.

12 Q. My question is, again, you testified that
13 you believe your cell phone was searched, but you
14 don't know one way or the other, correct?

15 A. They took my cell phone. I already answered
16 that. I don't know one way or another.

17 Q. Got it. Thank you.

18 A. But they took it. So why did they take it
19 and why did they take my camera, to look at it.

20 Q. When evidence do you have to support your
21 allegation that you were handcuffed and placed in a
22 wheelchair as retaliation for criticizing Judge
23 Knutson?

24 A. The whole circumstances. Why would they
25 handcuff me and put me in a wheelchair and bring me

Michelle MacDonald Shimota
10/20/2016

Page 187

1 back to the trial. That's nonsensical. They have
2 me in their jurisdiction, why would they bring me
3 back out to a trial. They should have just said,
4 Judge Knutson, we have her under arrest. What --
5 what was that?

6 Q. Did Judge Knutson give you the option of
7 going with the deputies or continuing the trial?

8 A. No, he -- they brought me out and on my
9 trial record as I'm sitting there in a humiliating
10 state, I don't even know what's going on I'm so
11 confused, it doesn't make sense to me, and I had to
12 stay there. Judge Knutson was going to default my
13 client. That's what he -- he gave me every option
14 in the book and the one I took was I don't want my
15 client to get a default, so I'm staying here. There
16 was no option to go with the deputies. There was
17 no -- they already knew my name. They didn't give
18 me a ticket. It was crazy making.

19 Q. Can we go back to Exhibit 4, page 46 of
20 Exhibit A to Exhibit 4.

21 A. Yeah. Yeah, I, the record --

22 Q. There's no question.

23 A. Okay.

24 Q. Judge Knutson says, Ms. MacDonald, you have
25 an obligation to your client. Do you wish to

Michelle MacDonald Shimota
10/20/2016

Page 188

1 participate in these proceedings and proceed, do you
2 want to remain seated in the courtroom, or would you
3 like to go with the deputies.

4 So Judge Knutson is giving the option of
5 staying in the courtroom or going with the deputies,
6 correct?

7 A. Mm-hmm.

8 Q. And you made the decision to stay in the
9 courtroom, correct?

10 A. Right.

11 Q. Why didn't you go with the deputies?

12 A. Because I made the decision to stay in the
13 courtroom so my client wouldn't be defaulted.

14 Q. Where in this transcript does Judge
15 Knutson --

16 A. Why doesn't that make sense?

17 Q. Because where in this transcript does Judge
18 Knutson threaten to default your client?

19 A. He did it later on. He mentioned some rule.
20 It's in -- he said --

21 Q. He said that you were going to proceed,
22 correct?

23 A. And he mentions rule -- he mentions a rule.
24 I think that's the default rule.

25 MR. PADDEN: I believe it is in there,

Michelle MacDonald Shimota
10/20/2016

Page 189

1 Jeff, that he said it would be defaulted if she
2 didn't proceed. I don't know where specifically it
3 is, but I believe I've seen that.

4 MR. TIMMERMAN: I know he references a
5 rule, but I don't think any reference to default.
6 Regardless --

7 A. That rule is the default rule.

8 BY MR. TIMMERMAN:

9 Q. Regardless, I wanted to clarify that you
10 were given the option to stay in the courtroom or to
11 the leave courtroom and you said you were?

12 A. Right.

13 Q. Deputies at no point in time on September
14 12th had their guns drawn, correct?

15 A. No.

16 Q. Guns were holstered the entire time,
17 correct?

18 A. Right.

19 Q. And in your experience, I understand you've
20 been to Dakota County District Court a lot, it's not
21 unusual for courtroom security staff to have guns,
22 correct?

23 A. Right.

24 Q. And that's for safety, right?

25 A. Whatever they want. For their safety, hm.

1 Wasn't for the safety of me.

2 Q. Paragraph 78 of your first amended
3 complaint --

4 MR. PADDEN: Page 16.

5 Q. How did my clients cause you to
6 ineffectively represent Ms. Grazzini-Rucki?

7 A. Because they arrested me and brought me back
8 to my trial. I was under their jurisdiction.

9 Q. Any other way?

10 A. That's probably enough.

11 Q. Do you believe that your representation of
12 Ms. Grazzini-Rucki was ineffective on September 12?

13 A. Yes. Although I had already -- I had done
14 her case the day before. This was their case. So
15 my ineffectiveness was because I was -- I had no --
16 I was brought to an empty courtroom with no -- the
17 deputies brought me back in handcuffs with a belt
18 around my waist with no shoes, no glasses, no
19 jewelry. I thought I was attached to the
20 wheelchair.

21 Q. You refused to answer --

22 A. And I couldn't stand up and my boxes were
23 all gone and I had kind of an empty table. I
24 remember seeing a pen and a paper. And I had no
25 materials, so all the materials were gone. And the

Michelle MacDonald Shimota
10/20/2016

Page 191

1 deputies brought me back out to finish this trial
2 while I'm in their jurisdiction, while I'm under
3 arrest.

4 Q. And you refused to answer -- you refused to
5 answer a lot of Judge Knutson's questions --

6 A. I -- I --

7 Q. Can I finish my question? You refused to
8 answer many of Judge Knutson's questions thereafter,
9 correct?

10 A. I thought I did. I mean, I just thought he
11 would see, you know, that here I am, you know, I'm
12 under arrest, hello, kind of a thing. I -- I -- I
13 didn't -- it's -- that's why I -- I -- I think there
14 was some wink, winks, must have talked in the back.
15 I couldn't -- I couldn't fathom why I was there if I
16 was under arrest why I'm sitting here, you know, and
17 the judge is saying we're going to default you, you
18 can go with them, you cannot. I stayed with the
19 case. I had no -- no choice to stay with the case,
20 or my client would be in default.

21 Q. Was the decision to file a federal civil
22 rights lawsuit against Judge Knutson during the
23 trial in this family court matter a ploy to get
24 Judge Knutson removed from the case?

25 A. No, no.

Michelle MacDonald Shimota
10/20/2016

Page 192

1 Q. You can turn to paragraph 105, please. You
2 allege in paragraph 105 that the Dakota County
3 Sheriff's Office released a picture of you to
4 reporters?

5 A. Yes.

6 Q. What picture?

7 A. That picture.

8 Q. Your booking photo?

9 A. Mm-hmm.

10 Q. Do you have any personal knowledge regarding
11 the data classification of booking photos in the
12 Minnesota Government Data Practices Act?

13 A. No. They released it to -- it says right on
14 there, release, I gave it to you. They released it
15 to the Pioneer Press and says right on it courtesy
16 of Dakota County Sheriff's --

17 Q. Do you know whether --

18 A. -- months later.

19 Q. Do you know whether the Pioneer Press
20 requested your booking photo?

21 A. It was on a -- I have no idea why they would
22 request a -- I never got booked on that charge.

23 Q. You have a booking photo, though, however.

24 A. I would --

25 Q. I'll show it to you right now.

Michelle MacDonald Shimota
10/20/2016

Page 193

1 A. I gave you a copy of the article.

2 Q. This is Exhibit 13 to your deposition.

3 A. I don't want to look at that.

4 Q. Well, we have to look at it for a moment.

5 MR. PADDEN: So what's the question,
6 Jeff? Was there a booking photo?

7 Q. Correct. There was a booking photo. This
8 is your booking photo here on Exhibit 13. Do you
9 have any reason for disputing that?

10 A. They took that photo of me, yes, in the
11 middle of my torture. You can see the difference.

12 Q. You've also alleged --

13 A. Thank you very much for --

14 MR. PADDEN: Just wait for the next
15 question.

16 Q. You've also alleged in your complaint that
17 no inventory was made of your property. Exhibit 13
18 is exactly that, it's a property inventory sheet.
19 Do you see that?

20 A. Where does it say --

21 Q. It's in front of you right now. This is it.

22 MR. PADDEN: You want to see the
23 picture?

24 A. They never gave me that.

25 MR. PADDEN: How about page 2, Jeff?

Michelle MacDonald Shimota
10/20/2016

Page 194

1 I'm sorry.

2 Q. This is a property inventory.

3 MR. PADDEN: Okay.

4 A. They never gave me that.

5 Q. So would you agree with me that an inventory
6 actually was made? In fact, if you turn to the back
7 page you'll see a photograph of items that were
8 taken from you.

9 A. Mm-hmm.

10 Q. Do you see that?

11 A. I've never seen this before.

12 Q. Are these the items that were placed in the
13 bag in the courtroom holding cell area?

14 A. They had also -- well, yeah, these are the
15 items they took from me, my -- thank you for this,
16 because I have never seen this. My earrings, hair
17 piece, rings, glasses, and then my necklace, but my
18 cross is missing.

19 Q. Okay. So you've alleged in your complaint
20 that there was no property inventory --

21 A. Oh, here's the other things. I forgot about
22 these things they took from me. My cell, legal
23 papers, those were not my legal papers, those were
24 papers they put -- gave to me.

25 Q. Correct.

Michelle MacDonald Shimota
10/20/2016

Page 195

1 A. So that was not my property. Also what they
2 gave to me was the -- the exhibit I was looking for,
3 the court calendar.

4 Q. My question --

5 A. Where did they get that? That's my question
6 to them.

7 Q. My question for you is this --

8 A. That was not my property either.

9 Q. My question to you is this, you alleged in
10 your complaint that there was no inventory made of
11 your property. After seeing Exhibit 13 would you
12 agree with me that that allegation is incorrect?

13 A. Yes.

14 Q. Thank you. You've also alleged in paragraph
15 172 that news reporters flocked, quote, "flocked to
16 the jail"?

17 A. Yes.

18 Q. Which news reporters?

19 A. It was the same -- as far as I know, because
20 I was in jail, it was the same news crew that had
21 been there the day before.

22 Q. Which was who?

23 A. Fox 9.

24 Q. Trisha Van Pilsum?

25 A. Yes.

Michelle MacDonald Shimota
10/20/2016

Page 196

1 Q. So there was a reporter, not reporters
2 plural, correct?

3 A. There was -- you know, as far as I knew, the
4 reporters, yeah, she was the main one. She had a
5 producer and a camera man and all that. She had a
6 whole crew.

7 Q. Are you aware of any other news reporters
8 who were at the jail while you were there?

9 A. You'll have to tell me, because I'm waiting
10 for that video of the outside that I subpoenaed the
11 following week to see who was out there. But that's
12 what I was told, that the media was out there.

13 Q. Okay. You don't know anyone other than
14 Trisha Van Pilsum you don't know, though, correct?

15 A. Right.

16 Q. Thank you.

17 A. Because I was in jail captured by your
18 people.

19 Q. And you didn't actually give an interview to
20 Trisha Van Pilsum when you were released, did you?

21 A. She when I -- right when I got out my phone
22 rang, and it was her.

23 Q. Did you give her an interview?

24 A. The phone rang, it was still working, and
25 she said she knew what happened to me. I talked to

Michelle MacDonald Shimota
10/20/2016

Page 197

1 her. And she said she had to go with her crew, that
2 she was waiting there all day. She had to go with
3 her crew on another story, but she would do another
4 story.

5 Q. And did you ultimately give her an
6 interview?

7 A. No.

8 Q. Did you have any visitors at the jail?

9 A. No.

10 Q. Beyond releasing the booking photo to the
11 Pioneer Press, what other ways do you claim that my
12 clients have publicized the fact that you were
13 arrested and detained at the jail?

14 A. The whole thing, the fact that they did it.

15 Q. The fact that they did it and the booking
16 photo. Have my clients in any other way whatsoever
17 publicized the fact you were arrested and confined?

18 A. The -- not that I'm aware of.

19 Q. In fact you publicized it quite frequently,
20 correct?

21 A. Yes.

22 Q. You --

23 A. I publicized I did a trial in handcuffs,
24 because you guys had been covering it up for so
25 long. It's about time somebody knows what happened

Michelle MacDonald Shimota

10/20/2016

Page 198

1 in that -- on that day.

2 Q. You self-publicized it, correct?

3 A. I didn't -- I was asked about it -- well,
4 here's what happened, after the week following what
5 happened, I didn't -- I didn't -- I didn't want to
6 publicize it. I didn't want anybody to know this.
7 I didn't know how to react. Fox 11 was already
8 there. They had said that they were in the
9 courtroom and saw it. So I don't know. She said
10 something like, we were there, we saw it, okay.

11 But I had a brief due in appellate court the
12 following week. I had already asked for an
13 extension. So I had to write an affidavit and give
14 a reasonable reason why it was extended. And it was
15 the following week I had to do an affidavit. And I
16 was just going to say I had a trauma, I -- I -- I
17 was sick, you know, because I was in a state. And
18 instead my husband said, just tell them what
19 happened.

20 So it took a lot of courage, but at that
21 point I put it on an affidavit what happened, and
22 embarrassed myself with my client, had to explain to
23 her what happened, had to tell the appellate court
24 what happened, you know, and try to explain that I
25 did nothing wrong, it's not my fault. And then

Michelle MacDonald Shimota

10/20/2016

Page 199

1 somebody saw that affidavit, somebody out in
2 California and called me.

3 Q. Who?

4 A. Her name was Bonnie something or other. She
5 had a -- she had a website. And then from there I
6 got a call from Joe Sorge of Divorce Corp who
7 couldn't -- was saying, did this really happen to
8 you. And then it kind of blossomed. And then I
9 basically said, well, I might as well talk about it,
10 because it's something that happened to me, that I
11 experienced, so I had no -- I did it.

12 Q. Okay. Who ultimately --

13 A. And most of the time I'm just trying to
14 defend myself because of what you guys did.

15 Q. Who contact -- who contacted 20/20?

16 A. 20/20 contacted me. I didn't contact them.

17 Q. Okay.

18 A. They just called me up on October 22, 2015.

19 Q. What personal firsthand knowledge do the
20 following persons have about the facts -- the facts
21 underlying your Fourth and Fourteenth Amendment
22 claims or your claims relating to the lawsuit here
23 pending. Okay? I'm going to go through a list.
24 I'd like you to tell me what facts these people have
25 firsthand knowledge of.

Michelle MacDonald Shimota

10/20/2016

Page 200

1 How about Laurie Cylkowski?

2 A. She was trying to get me out. My husband
3 called her. She's an attorney.

4 Q. How about Deborah Sampson?

5 A. And Debbie also was called. She's my
6 paralegal, and when this happened to me, and was
7 calling frantically. People were just trying to
8 help me from the outside. I was inside.

9 Q. And Sandra Grazzini-Rucki is listed.
10 Obviously she was in the courtroom with you,
11 correct?

12 A. She was in the courtroom with me. She was
13 trying to do whatever she could, because she
14 understood I was arrested and --

15 Q. And she was ultimately convicted of felony
16 child deprivation, correct?

17 A. Yep.

18 Q. And you wrote a book about her, right?

19 A. I did.

20 Q. What about Dede Evavold, was she also
21 convicted of a felony?

22 A. Yes, she was.

23 Q. And she was your campaign manager for the
24 two thousand --

25 A. By Dakota County, by the way, both of

Michelle MacDonald Shimota

10/20/2016

Page 201

1 them --

2 Q. She was also --

3 A. By your people in part of the overall cover
4 up of a cover-up of a cover-up.

5 MR. PADDEN: Just answer the question,
6 please.

7 Q. No, I want to get into this actually. Are
8 you accusing my colleagues of corruption?

9 A. Yes.

10 Q. Which colleagues of mine are you accusing of
11 corruption?

12 A. We'll deal with that later. The whole --
13 your whole Dakota County's entirely corrupt, okay.
14 So that's another story.

15 Q. I'm asking you --

16 A. I'm not doing that in this lawsuit, but
17 yeah.

18 Q. I'm asking you which colleagues of mine
19 you're accusing of corruption.

20 A. Do you want me to start -- do you know what
21 corruption means?

22 Q. I'm asking you --

23 A. The fact that you're even representing these
24 deputies is corruption. Okay? They should have
25 their own representation.

Michelle MacDonald Shimota

10/20/2016

Page 202

1 Q. I don't need you to define corruption for
2 me.

3 A. But you're asking me. So corruption is a
4 broad term.

5 Q. Okay. Which -- are you accusing any of my
6 colleagues of breaking the law?

7 A. Which colleagues?

8 Q. In the Dakota County Attorneys Office.

9 A. I'm not going to speak to that right now,
10 because I could say a lot. Okay? Let's just talk
11 about this lawsuit.

12 Q. Are you accusing me of breaking the law?

13 A. I would like my evidence. I would like my
14 evidence. I think you've obstructed. I talked
15 about that earlier. Mm-hmm. And also the fact that
16 you're representing is a huge conflict. Because
17 you're not supposed -- and I think like regularly
18 you and your colleagues give advice to the sheriffs.
19 They should have their own advice. There's a
20 problem there, a big problem.

21 In other states they don't -- the sheriffs
22 don't call the county attorneys. The police don't
23 call the prosecutors for advice. That's --
24 that's -- that's the foundational corruption in your
25 county. And that you think all of this is okay is a

Michelle MacDonald Shimota

10/20/2016

Page 203

1 huge problem, just business as usual.

2 Q. That sounds like Red Herring Alert. Do you
3 write as Susan for Red Herring Alert?

4 A. No, never Red Herring Alert.

5 Q. Have you ever gone by the name of Susan?

6 A. I don't do blogs. I don't -- I write my own
7 stuff and I say who it is. I say Michelle
8 MacDonald, I wrote this.

9 Q. The question is have you ever used the
10 pseudonym Susan?

11 A. No.

12 Q. Have you ever used the pseudonym Susan
13 Carpenter?

14 A. No. If I'm going to write something, it's
15 for me, so know that. I don't hide.

16 Q. Dede Evavold was your campaign manager for
17 the 2014 supreme court election --

18 A. Yes.

19 Q. -- correct?

20 A. She was.

21 Q. Is she your campaign manager this time?

22 A. No.

23 Q. What personal knowledge of the facts
24 involved in this lawsuit does Kimberley Bukstein
25 have?

Michelle MacDonald Shimota

10/20/2016

Page 204

1 A. Kimberley was -- she's a civil rights
2 specialist, and she's just been following the story.

3 Q. Does she have any personal knowledge?

4 A. She was there -- I think she was there the
5 day of my arrest. She might have been there the day
6 before that. She's just a civil rights advocate.

7 Q. How about Steven Erickson, what knowledge
8 and facts?

9 A. Steven Erickson is a colleague of mine that
10 I told the story to in confidence because I feel
11 like I have to explain that I did nothing wrong.
12 For the last -- it's -- it's -- it's better now, but
13 for the last couple of years -- I mean, I don't know
14 how much better it is now, I feel like I have to
15 explain that I did nothing wrong. And that's why
16 this is -- what you did to me is so horrific because
17 I have to -- I didn't do anything wrong for you to
18 do all of this, your people.

19 Q. Are you planning to present any expert
20 testimony at trial?

21 A. I believe so, yes.

22 Q. On what subjects?

23 A. You'll have to ask Mike.

24 Q. Now, you've --

25 A. Certainly on -- on all these what happened.

Michelle MacDonald Shimota

10/20/2016

Page 205

1 I mean, where's the due process in what happened.
2 There will need to be a -- somebody that is an
3 expert in these processes, a sheriff of some kind,
4 so that would be one.

5 Q. Any other experts?

6 A. I'm not sure at this time.

7 Q. Your dad --

8 A. You'll have to ask my attorney.

9 Q. Your father is Dr. Charles Lowney, correct?
10 What kind of doctor is he?

11 A. He's a family practice doctor.

12 Q. Is he a licensed mental health doctor?

13 A. No.

14 Q. Is he a licensed dermatologist?

15 A. No.

16 Q. You produced some documentation in this
17 lawsuit about a rash that has been on your body.
18 Number one, I'm going to ask you, is that rash
19 technically called lichen planus?

20 A. I believe so, yes.

21 Q. When were you first diagnosed with lichen
22 planus?

23 A. A few months after this incident.

24 Q. Some of the medical records you produced in
25 the lawsuit said you had an initial outbreak in 1992

Michelle MacDonald Shimota

10/20/2016

Page 206

1 and 1993?

2 A. Yes, yeah, years and years ago is the first
3 time I had it when I was really stressed. I think I
4 was in law school at the time.

5 Q. What happened with that initial outbreak?
6 Can you just explain to me what it was like?

7 A. The initial outbreak?

8 Q. Yes.

9 A. It was -- if I recall it was just, you know,
10 everywhere but my hands and my feet.

11 Q. Did you get treatment for it back in 1992
12 and '93?

13 A. Yes, there was some creams and then -- there
14 was some creams. I think I got some light treatment
15 back then to get rid of it. Sun, being in the sun
16 was one of the treatments.

17 Q. Did it go into remission?

18 A. It -- yes, it went -- it was gone.

19 Q. How many flare-ups of lichen planus have you
20 had since that time?

21 A. None, except this time.

22 Q. And then Brookline Dermatology records that
23 you produced in this lawsuit reflect that you saw a
24 doctor for lichen planus on May 26th of 2015.

25 A. Right.

Michelle MacDonald Shimota

10/20/2016

Page 207

1 Q. Okay. Is that when it reappeared, when the
2 symptoms reappeared?

3 A. It was before that, because it was -- I was
4 trying -- I was trying the creams and trying to get
5 rid of it, trying to be in the sun, and it wasn't
6 going away. So it was months before that.

7 Q. When did it reappear?

8 A. No, it was once before I went to the doctor.

9 Q. I'm just trying to pin down the time frame.
10 You go to the doctor in May of 2015. When did that
11 first reemerge?

12 A. Maybe about a year before that, nine months
13 before that. I was trying everything. And then I
14 was home and my dad, who had sent me the creams and
15 stuff, sent me to a doctor.

16 Q. Brookline Dermatology?

17 A. Brookline Dermatology.

18 Q. And you ultimately saw My Dermatologist here
19 in Inver Grove Heights, correct?

20 A. Right.

21 Q. And records reflect that was in July of
22 2015?

23 A. Right.

24 Q. And you were treated for lichen planus by My
25 Dermatologist as well, correct?

Michelle MacDonald Shimota

10/20/2016

Page 208

1 A. Right.

2 Q. Is it in remission presently?

3 A. It's better, yeah. I think that treatment
4 really helped from My Dermatologist.

5 Q. Is it in complete remission?

6 A. It doesn't seem to be popping up, mm-hmm.

7 Q. And what was the treatment that My
8 Dermatologist prescribed?

9 A. There were light treatments and creams and
10 sun. I think the difference was the light
11 treatments.

12 Q. How much money have you spent out of pocket
13 on treatment for your lichen planus since September
14 13th of 2013?

15 A. I'm not sure because insurance covered some
16 of it.

17 Q. Do you have billing records?

18 A. They would have billing records. I just
19 paid it as I went.

20 Q. Do you have payment records?

21 A. No, not that -- jumbled up in all my other
22 payment records.

23 Q. Are you claiming in the lawsuit --

24 A. They would know that.

25 Q. Are you claiming in the lawsuit that my

Michelle MacDonald Shimota

10/20/2016

Page 209

1 clients caused your lichen planus to reemerge?

2 A. The whole -- this whole thing, yes, it's
3 this whole thing.

4 Q. Has a dermatologist, specifically a
5 dermatologist, ever informed you that your lichen
6 planus flare-up was caused by stress, anxiety,
7 depression, or post traumatic stress disorder?

8 A. I believe so, yes.

9 Q. Which dermatologist?

10 A. Every time I went in they were like -- when
11 I went in they, okay, this is because of stress,
12 period.

13 Q. Which --

14 A. My dad as well.

15 Q. Your dad is not a dermatologist.

16 A. Right.

17 Q. What dermatologist has told you that your
18 lichen planus flare-up was caused by stress or
19 anxiety?

20 A. I think both of them.

21 Q. By both of them you mean Brookline and My
22 Dermatologist?

23 A. Yes. My dad is a general practice. I mean,
24 back when they started 50 years ago you do
25 everything. He knows everything about medicine.

Michelle MacDonald Shimota

10/20/2016

Page 210

1 Q. Do you have an opinion --

2 A. He does dermatology.

3 Q. Have you obtained a written opinion from a
4 dermatologist stating that your lichen planus
5 flare-up was attributable to the stress that you
6 claim to have suffered in this lawsuit?

7 A. No, I just know it was. I know my own body
8 and I know it was because of this trauma here.

9 Q. Has a physician other than a dermatologist
10 ever informed you this flare-up of lichen planus was
11 caused by the stress, anxiety, depression, that you
12 suffered --

13 A. My dad.

14 Q. Can I finish my question?

15 A. Yes.

16 Q. The stress, anxiety, depression, et cetera,
17 that you claim to have suffered as a result of being
18 arrested?

19 A. My dad, it's -- it's from stress when you --
20 but -- my dad, yes.

21 Q. Are you aware of any medical journals,
22 papers, professional publications that link stress,
23 anxiety, or depression as a cause of lichen planus?

24 A. No.

25 Q. Are you planning to present expert testimony

Michelle MacDonald Shimota

10/20/2016

Page 211

1 at trial linking your lichen planus outbreak to the
2 alleged mental and emotional distress --

3 A. I don't know.

4 Q. You haven't decided?

5 A. No.

6 Q. Prior to September 12th of 2013 had you ever
7 been diagnosed with or treated for post traumatic
8 stress disorder?

9 A. Prior to when? No.

10 Q. September 12th of '13?

11 A. No, never.

12 Q. Again, prior to September 12th of 2013 have
13 you -- had you ever been diagnosed with depression
14 or treated for depression?

15 A. No.

16 Q. Anxiety?

17 A. No.

18 Q. Insomnia?

19 A. No.

20 Q. Abnormal weight loss?

21 A. No.

22 Q. Prior to September 12th of 2013 have you
23 ever been diagnosed or treated for any mental or
24 psychological disorder or disease?

25 A. No.

Michelle MacDonald Shimota

10/20/2016

Page 212

1 Q. Any physical manifestation of a mental or
2 psychological disorder?

3 A. No.

4 Q. Had you ever suffered any of these things
5 prior to September 12, 2013?

6 A. No.

7 Q. And by these things I mean PTSD, depression,
8 anxiety, insomnia, or abnormal weight loss?

9 A. No.

10 Q. Prior to September 12, 2013 had you ever
11 been treated by a mental professional of any type,
12 including a psychologist or psychiatrist?

13 A. No.

14 Q. What mental emotional distress do you claim
15 that Mr. Wegner, Mr. Melton, Mr. Gonder, and
16 Mr. Napper caused you?

17 A. Well, the whole situation. They were just
18 the people.

19 Q. I'm specifically asking --

20 A. -- the specifics.

21 Q. -- identify the types of distress that you
22 claim they caused you.

23 A. The whole situation. What do you mean the
24 types of distress?

25 MR. PADDEN: You mean symptoms, Jeff?

Michelle MacDonald Shimota

10/20/2016

Page 213

1 A. You're talking about symptoms?

2 Q. Anxiety, depression, yes.

3 A. Yeah, all of that.

4 Q. All of what? Can you explain?

5 A. All the anxiety. And I don't want to say
6 this sounding like a crazy person when I start to
7 talk about it. That's what you want me to do, and
8 I'm not going to do it.

9 Q. I'm not trying to bait you, Ms. MacDonald.

10 A. No, I -- I can't talk about this without,
11 you know, getting all worked up, either crying or --

12 MR. PADDEN: He understands that,
13 Michelle. He's just trying to see if you can
14 verbalize -- it's appropriate for him to ask that,
15 you know, if you can, you know -- you know,
16 obviously something like PTSD, I'm not trying to
17 tell you what to answer, but he's saying are you
18 able to articulate, you know, how it is that what
19 happened -- how you claim what happened has affected
20 you mentally and emotionally.

21 Is that fair, Counsel?

22 MR. TIMMERMAN: Yep, that's fair.

23 BY MR. TIMMERMAN:

24 Q. What do you claim to have suffered?

25 Anxiety, depression, et cetera?

Michelle MacDonald Shimota

10/20/2016

Page 214

1 A. Anxiety.

2 Q. What else?

3 A. Depression.

4 Q. What else?

5 A. If you want to put labels on it, just --
6 just the suffering, not being able to sleep, having
7 bad dreams, having to fight through a lot of
8 feelings and emotions when I come here to this
9 courthouse.

10 Q. Okay. What else?

11 A. When I see a deputy.

12 Q. Anything else?

13 A. That's all I can recall at this time. It's
14 been ongoing and constant.

15 Q. Weight loss?

16 A. Yep.

17 Q. Okay.

18 A. Just not wanting to eat. Not being able to
19 sleep and trying to just put it -- put it away. And
20 trying to, you know, just be -- be in the world
21 without having to be judged by this.

22 Q. Have you ever been diagnosed by a mental
23 health professional with post traumatic stress
24 disorder?

25 A. Just the person I go to.

Michelle MacDonald Shimota

10/20/2016

Page 215

1 Q. Dr. Meyer?

2 A. Yeah, Dr. Meyer, and my -- my dad, I mean,
3 people tell me, you have it. It's something you
4 don't lose.

5 Q. I'm asking you specifically --

6 A. You're -- you're triggering it right now.

7 Q. I'm asking you specifically what mental
8 health professional has diagnosed you with PTSD.

9 A. My dad says I have it and so does that lady,
10 Meyer.

11 Q. I'll represent to you, and we'll look at
12 these notes in a moment, psychotherapy notes from
13 Dr. Meyer that I obtained in this lawsuit.

14 A. I didn't ask her for a diagnosis, so.

15 Q. There is a diagnosis in there, and it's not
16 post traumatic stress disorder.

17 A. Okay. Well, then whatever.

18 Q. To the best of your knowledge have you ever
19 been --

20 A. I'm fighting through it.

21 Q. To the best of your knowledge have you been
22 diagnosed with post traumatic stress disorder --

23 A. No.

24 Q. -- by any -- by any medical professional?

25 A. No, it is what it is, is what my dad said

Michelle MacDonald Shimota

10/20/2016

Page 216

1 and what she said.

2 Q. It is what -- what do you mean by that?

3 A. It is what it is, whatever the records show.
4 I just go and try to get help.

5 Q. Okay. That's fair. When did you start
6 suffering from anxiety?

7 A. After all this happened. You know, part of
8 the post traumatic stress is the anxiety, right, the
9 whole thing.

10 Q. How long after this happened?

11 A. Right away, during.

12 Q. What about depression, when did you start
13 suffering that?

14 A. That just goes up and down, I mean. This --
15 I am not going to let this ruin my life. Okay?

16 Q. I understand that.

17 A. So I'm struggling through it.

18 Q. How long after --

19 A. And your people are not going to bring me
20 down.

21 Q. How long after September --

22 A. I don't want to be diagnosed with anything.

23 MR. PADDEN: Just wait for the next
24 question.

25 Q. How long after September 13th of 2013 were

Michelle MacDonald Shimota

10/20/2016

Page 217

1 you first diagnosed with depression?

2 A. I wasn't diagnosed. I just had it.

3 Q. You've never been diagnosed with depression?

4 A. No. I just experienced it. I'm
5 experiencing post traumatic stress. I've been
6 told -- people tell me I have it when they hear me
7 talk about this and it's probably showing up now.

8 Q. Have you ever been diagnosed with insomnia?

9 A. No, but I've had insomnia. I've had
10 depression.

11 Q. How much weight are you claiming to have --

12 A. I have anxiety.

13 Q. How much weight are you claiming to have
14 lost on account of my clients' --

15 A. I just lost a lot of weight. And then
16 I gained it back --

17 MR. PADDEN: Michelle --

18 A. -- and then I'll lose it --

19 MR. PADDEN: -- let him finish the
20 question, please.

21 Q. How much weight are claiming to have lost on
22 account of my clients' actions?

23 A. At the beginning I wasn't eating, so I don't
24 know how much weight. I don't weigh myself. I
25 don't even have a scale at home. But my clothes

Michelle MacDonald Shimota

10/20/2016

Page 218

1 were hanging off me.

2 Q. On average how many hours have you slept per
3 night since September 13th of 2013?

4 A. I don't know. It's been a lot of years. It
5 took me many years to get to this point. That's a
6 stupid question.

7 MR. PADDEN: Come on, Michelle, you
8 can't -- please --

9 A. I just don't know.

10 MR. PADDEN: Let's be respectful.
11 Michelle, you're an attorney --

12 A. Four, five.

13 MR. PADDEN: Don't comment on his
14 questions, please. Okay? Answer his questions.

15 A. Four or five.

16 Q. Are you on any medications for mental
17 health?

18 A. No.

19 Q. Have you ever been?

20 A. No.

21 Q. Any doctor ever told you you needed to be
22 medicated?

23 A. No.

24 Q. Now the records that you produced in this
25 lawsuit indicate that you first saw Dr. Meyer on May

Michelle MacDonald Shimota

10/20/2016

Page 219

1 7 of 2015. Does that sound accurate to you?

2 A. Yes.

3 Q. Fair to say then that between September 13,
4 2013 and May 7 of 2015 you did not seek treatment
5 from a mental health professional?

6 A. No, that's not fair to say, because I had a
7 psych eval that you guys made me do that said I've
8 got to see somebody, basically that's what it said.

9 Q. It was a court ordered psych eval?

10 A. Right. That you guys made me do.

11 Q. When you say, you guys, you mean the court,
12 right?

13 A. Yeah.

14 Q. I'm not the court. I work for the county.

15 A. The county --

16 Q. The court works for the state.

17 A. The county made me do. And that's when I
18 said I better get some help.

19 Q. And that was in October of 2014, correct?

20 A. Yes.

21 Q. So then you waited until May of 2015 to get
22 help, correct?

23 A. Right.

24 Q. Aside -- aside from court ordered psych eval
25 in October of 2014, did you obtain any other mental

Michelle MacDonald Shimota

10/20/2016

Page 220

1 health treatment or counseling of any type between
2 September 13th of 2013 and May 7th of 2015?

3 A. Just my dad every day.

4 Q. Talking to him?

5 A. Yes. And praying.

6 Q. You've also referenced Azber Ansar?

7 A. Yes.

8 Q. He's associated with Family Innocence,
9 right?

10 A. Yes. Not -- not -- he's been a part of it
11 here and there.

12 Q. And he referred you to Dr. Meyer?

13 A. He did. I knew he was a PTSD doctor, and he
14 referred me to Dr. Meyer, because it wasn't getting
15 any better.

16 Q. Records I've obtained indicate you saw
17 Dr. Meyer on May 7, 2015 and you've seen her six
18 other times?

19 A. Yes.

20 Q. June 13, 2015, July 3, 2015, August 1, 2015,
21 August 24, 2016, September 7, 2016, and September
22 29, 2016.

23 A. Yes.

24 Q. Have you seen her since September 29, 2016?

25 A. I was supposed to see her yesterday, and I

Michelle MacDonald Shimota

10/20/2016

Page 221

1 blocked out the appointment.

2 Q. You left the appointment?

3 A. Yeah, I blocked it out. So those are the
4 times that I've seen her. And I try to see her as
5 often as I can. But I try not to disrupt as much as
6 you've disrupted my life since that day. I'm trying
7 to -- but I do go see her.

8 MR. PADDEN: What's that?

9 MR. TIMMERMAN: Nothing.

10 A. Yep.

11 Q. Why did you take a one-year gap between
12 August 1st of 2015 and August 24th of 2016?

13 A. Because I was coping with it myself, talking
14 with my dad who has been my doctor since birth, and,
15 you know, going to church, and, you know, just
16 trying not to ruminate about it. So I was coping
17 with it with myself. And then it got to the point
18 where I realized I needed to see someone. I
19 didn't -- you know, I know right away people were
20 telling me I had PTSD, the way I was acting, and I
21 didn't want to acknowledge it. I just kept coping
22 with it.

23 And then I -- I -- I had that -- I had
24 this -- had your psych eval, and then like -- I'm
25 like, oh, something -- I gotta do something about

Michelle MacDonald Shimota
10/20/2016

Page 222

1 this, and then it prompted me to do something about
2 it as best I could. It still takes time away from
3 my life.

4 Q. Do you recall what type of tests Dr. Meyer
5 administered to you? Do you know if she
6 administered the MMPI-2?

7 A. Administered? She didn't -- I don't think
8 she administered any tests to me.

9 Q. Never administered the trauma symptom
10 inventory to you?

11 A. No, not that I recall, no.

12 Q. Have you ever had a trauma symptom inventory
13 administered to you?

14 A. No.

15 Q. Do you know what the trauma symptom
16 inventory is?

17 A. No.

18 Q. Do you recall any type of an MSE or mental
19 status exam that Dr. Meyer performed?

20 A. No.

21 Q. The diagnosis in Dr. Meyer's psychotherapy
22 notes is, quote, "other specified anxiety disorder,"
23 end quote. Do you know what that means?

24 A. No. I haven't even looked at her notes.

25 Q. Are you familiar at all with the DSM-5?

Michelle MacDonald Shimota
10/20/2016

Page 223

1 A. No.

2 Q. Are you planning to present any expert
3 testimony at trial regarding your alleged mental and
4 emotional distress?

5 A. Probably my doctor.

6 Q. Dr. Meyer?

7 A. Mm-hmm.

8 Q. And what will the subject of her testimony
9 be to the best of your knowledge?

10 A. What -- whatever she said in those notes.

11 Q. Have you retained any experts in this
12 lawsuit?

13 A. No.

14 Q. Have you consulted with any experts in this
15 lawsuit?

16 A. No.

17 MR. TIMMERMAN: Take a quick break?

18 MR. PADDEN: Sure.

19 THE VIDEOGRAPHER: We're going off the
20 record. The time is 2:05 p.m.

21 (Break from 2:05 to 2:12 p.m.)

22 THE VIDEOGRAPHER: Back on the record.
23 The time is 2:12 p.m.

24 (MacDonald Deposition Exhibit No. 14
25 marked for identification.)

Michelle MacDonald Shimota
10/20/2016

Page 224

1 BY MR. TIMMERMAN:

2 Q. Ms. MacDonald, this is Exhibit 14 to your
3 deposition, and this is a document you produced. Do
4 you recognize it?

5 A. Yes.

6 Q. You testified earlier about having a
7 court-ordered psychological evaluation --

8 A. Right.

9 Q. -- correct?

10 A. Right. And the judge wanted to do it in the
11 contempt motion, too, because the judge thought
12 something was wrong with me.

13 Q. It looks like I may have gotten my date
14 wrong, it appears this may have occurred on October
15 17, 2014.

16 A. What?

17 Q. This evaluation.

18 A. November 4? Oh, it's written.

19 Q. Correct. If you look at the paragraph
20 starting, following her conviction, interviewed at
21 the ACP offices in Apple Valley October 17, 2014.

22 A. Right.

23 Q. Oh, and then you completed testing with
24 MMPI-2 on October 2, 2014?

25 A. Right.

Michelle MacDonald Shimota

10/20/2016

Page 225

1 Q. So did you meet with Dr. Hanson multiple
2 times?

3 A. I believe so.

4 Q. And he administered the MMPI-2 to you?

5 A. I believe so.

6 Q. Do you know what that is?

7 A. No.

8 Q. And this evaluation was conducted in the
9 aftermath of your conviction for -- for what? For
10 the implied consent and --

11 A. For obstructing legal process.

12 Q. And refusal to submit to test?

13 A. Right.

14 Q. Third degree?

15 A. Right.

16 Q. Did those convictions cause you mental and
17 emotional distress?

18 A. No.

19 Q. None whatsoever?

20 A. No.

21 Q. Did the criminal charges that resulted in
22 those convictions cause you mental or emotional
23 distress?

24 A. No.

25 Q. Do you believe that your conviction for test

Michelle MacDonald Shimota

10/20/2016

Page 226

1 refusal and obstruction of justice damaged your
2 professional reputation?

3 A. It could have.

4 Q. Do you have any evidence that it did?

5 A. Well, it was -- I ultimately got exonerated
6 of DUI, and that was my concern.

7 Q. Okay. But my question is, do you have any
8 evidence that your reputation was damaged by this
9 conviction for test refusal and obstruction of
10 justice?

11 A. I -- I don't know, I mean, what happened is
12 your -- your issue, what your people did to me is
13 very similar to what these people did to me. But I
14 am -- I was already exonerated of the contempt when
15 this went to trial.

16 Q. Okay. Did this conviction for test refusal
17 and obstructing legal process impact in any way your
18 relationship with the republican party of Minnesota?

19 A. Yes.

20 Q. How so?

21 A. They presented an article that I was charged
22 with -- you know, this was old, they printed an
23 article, had an article printed.

24 Q. The republican party did?

25 A. Mm-hmm.

Michelle MacDonald Shimota

10/20/2016

Page 227

1 Q. And did they ultimately --

2 A. It was before that article come out I was --
3 I got phone calls that the article was going to come
4 out by -- by people in the republican party that
5 wanted me to revoke my endorsement, and then the
6 article -- there's an article that came out.

7 Q. Do you think that article hurt your
8 professional relation -- or your reputation?

9 A. Yes.

10 Q. Did that article cause you mental or
11 emotional distress?

12 A. No, because I knew it was false. I just
13 knew I had to get through it.

14 Q. And --

15 A. It didn't cause me mental or emotional
16 distress.

17 Q. The Minnesota republican party ultimately --
18 did the party rescind its endorsement of you in
19 2014?

20 A. No, they kept my endorsement. I was
21 endorsed throughout 2014. They never rescinded it.

22 Q. And there was an incident at the state fair
23 that year, correct?

24 A. Yes, not an incident. That was the first
25 day of the state fair. There was an incident, yes,

Michelle MacDonald Shimota

10/20/2016

Page 228

1 where they -- somebody called me and asked me not to
2 go. But I had everything set up with my volunteers
3 and it was such an informal request from what I
4 understand, and I showed up.

5 Q. Was there a confrontation?

6 A. There wasn't a confrontation that I could
7 see. I was just showing up and I guess the media
8 was there and they were -- they had a bouncer
9 basically, so I call that a confrontation.

10 Q. And you were denied access to the tent,
11 correct?

12 A. Right, right.

13 Q. Do you think -- that was highly publicized,
14 correct?

15 A. Right.

16 Q. Do you think that incident damaged your
17 professional reputation?

18 A. It could have, yes.

19 Q. Did that incident cause you to feel anxious?

20 A. This incident -- you're -- go ahead.

21 Q. Did that incident at the state fair cause
22 you to feel anxious or depressed or stressed?

23 A. No. Your incident is totally different than
24 these incidents. So you're -- I'm talking about the
25 trauma that I experienced.

Michelle MacDonald Shimota

10/20/2016

Page 229

1 MR. PADDEN: Just answer his question.

2 A. This is -- the personal injury that your
3 people inflicted on me. This was not that.

4 Q. On pages 3 and 4 Dr. Hanson discusses your
5 recounting to him of the incidents that make up the
6 allegations in this lawsuit. And on page 4 at the
7 top of the page Dr. Hanson concludes that despite
8 this her statements did not seem to indicate that
9 here ability to work and to function in her personal
10 and professional life have been compromised by these
11 symptoms of anxiety.

12 A. Correct.

13 Q. Do you agree with that statement?

14 A. I do. Yes, I do.

15 Q. Okay. If you turn to page 5 please under
16 the mental status heading.

17 A. Mm-hmm.

18 Q. Dr. Hanson says, Ms. Shimota was polite and
19 cooperative. She was focused and attentive. She
20 did not display any indicators of cognitive,
21 emotional, or mental health disturbance.

22 Do you agree with that conclusion?

23 A. That was his conclusion.

24 Q. Do you agree with it?

25 A. Sure.

Michelle MacDonald Shimota
10/20/2016

Page 230

1 Q. Next page, please, page 6, under the
2 diagnostic formulation heading, Dr. Hanson says, the
3 following diagnoses are offered in accordance with
4 the criteria set forth in the Diagnostic Statistical
5 Manual of Mental Disorders, Fifth Edition, DSM-5, no
6 diagnosis.

7 Do you see that?

8 A. Yes.

9 Q. Is it your understanding that Dr. Hanson did
10 not diagnosis you with any type of mental health
11 disturbance?

12 MR. PADDEN: Objection; lacks
13 foundation. Go ahead and answer if you can.

14 A. I don't know that he did.

15 Q. You don't know one way or another, correct?

16 A. I don't think he did. I think I'm mentally
17 sound.

18 Q. Then Dr. Hanson says, she does recount a
19 history of what seemed to be mild symptoms of
20 anxiety and post traumatic stress that developed
21 following difficult interactions she had with the
22 criminal justice system, particularly following an
23 incident in September 2013. Her statements
24 regarding these symptoms suggest that they are
25 subclinical in nature, that they are not

Michelle MacDonald Shimota

10/20/2016

Page 231

1 debilitating, nor do they interfere with her ability
2 to function in what seems to be a highly demanding
3 career as well as in her personal life. Though
4 reportedly troubling to her, they do not impress the
5 undersigned as constituting a diagnosable
6 psychiatric disturbance that merits treatment.

7 Do you agree with that statement?

8 A. If that's what he thinks.

9 Q. I'm asking if you personally think --

10 A. I may not -- I've tried to persevere, so.

11 Q. My question for you --

12 A. I'm okay with it.

13 Q. My question is, do you personally agree with
14 that conclusion?

15 A. Yes and no. I don't know. It's his
16 conclusion.

17 Q. And I'm --

18 A. I've -- I've experienced it. So I'm glad
19 that he thinks that I'm good.

20 Q. That's his conclusion. I'm simply asking
21 whether you agree with it.

22 MR. PADDEN: Again, objection; lacks
23 foundation. It's from a mental health professional.
24 Answer if you can.

25 A. I think I answered. I -- it is what it is.

Michelle MacDonald Shimota

10/20/2016

Page 232

1 And it's -- I think it's good. I mean, I think
2 you -- you -- I'm persevering in all of this from
3 what you people did to me. I'm trying my darndest
4 every day. So if that was his conclusion on that
5 day, then thank you, Doctor.

6 Q. Dr. Hanson continued, the defendant
7 impressions as demonstrating narcissistic
8 personality traits. Do you see that?

9 A. Yes.

10 Q. Page 6. Have you ever been diagnosed with a
11 narcissistic personality disorder --

12 MR. PADDEN: Objection; lacks
13 foundation.

14 Q. -- by a mental health professional?

15 A. No. That's a personality test, right?
16 That's not a disorder. People have personalities.
17 You're probably narcissistic, so is everybody in
18 this room. It's a piece of a personality.

19 Q. I mean, there are narcissistic --

20 A. You can have your judgments about it.

21 Q. There are narcissistic personality
22 disorders. That's what I'm asking about --

23 A. Oh, no --

24 Q. There's clinical DSM-5 disorders. And I'm
25 asking have you ever been diagnosed with one, you

Michelle MacDonald Shimota

10/20/2016

Page 233

1 said no, so we'll move on.

2 A. No.

3 Q. In the last sentence of the psychological
4 formulation paragraph Dr. Hanson says, her reactions
5 to law enforcement during both arrest situations may
6 have been intensified to over-personalize, as well
7 as due to some sense of entitlement on her part, an
8 expectation that she might be treated differently,
9 paren, better, end paren, than others in similar
10 circumstances. When that did not occur, she may
11 have become more reactive as a consequence
12 exacerbating the situation.

13 Do you agree with that statement?

14 A. No, I don't.

15 Q. Between September 13, 2013 and the present
16 has your work caused you any anxiety?

17 A. My work?

18 Q. Correct.

19 A. It's busy, yes. It's not busy sometimes.
20 That would cause me anxiety. Yeah. Just like your
21 work causes you anxiety.

22 Q. What level of anxiety?

23 MR. PADDEN: We're not concerned about
24 what causes him anxiety. He's asking about you.

25 A. I'm just saying that, again, seems like a

Michelle MacDonald Shimota

10/20/2016

Page 234

1 ridiculous question. Obviously your work, you know,
2 you're trying to get things done.

3 Q. What level --

4 A. Causes you anxiety.

5 Q. What level of anxiety? How anxious has your
6 work made you during that time frame?

7 A. I'm pretty -- I'm pretty -- I kind of
8 hydroplane over that and I just get my work done.

9 Q. Have either of your Supreme Court campaigns
10 in 2014 and 2016 caused you any mental or emotional
11 distress like anxiety, depression, or stress?

12 A. No.

13 Q. Did the Rucki girls' disappearance cause you
14 to suffer any anxiety, depression, or stress of any
15 type whatsoever?

16 A. No.

17 Q. None whatsoever?

18 A. No.

19 Q. Why not? I mean, they were -- they were
20 gone for like two years, right, and that's your
21 client. You didn't -- you weren't stressed at all
22 about that?

23 A. No, I was just doing my work for her. The
24 courts already -- I think the day after they went
25 missing Judge Knutson got a letter from my client, a

Michelle MacDonald Shimota

10/20/2016

Page 235

1 letter from the two girls, and he did nothing about
2 it. I didn't even know that letter for months, but
3 Judge Knutson knew the whole situation, so.

4 Q. Knew the whole situation about what?

5 A. The day -- two days after the girls ran
6 away, Sandra -- Sandra wrote a letter, that I
7 learned of later, and wrote a motion to Judge
8 Knutson on her own, and had two letters from the
9 girls saying they wanted to be with their mom and
10 filed it with Judge Knutson and the appellate court
11 two days after.

12 Q. When did you start representing Sandra?

13 A. January 1 -- January 3, 2013 is when she
14 retained me.

15 Q. Now, I understand that the judicial election
16 committee, I might be using the wrong terms here,
17 recommended your endorsement for the republican
18 party's candidacy for Supreme Court this year,
19 correct?

20 A. Yes, they did.

21 Q. But then ultimately the body, the
22 electorate, decided not to endorse any candidate,
23 correct?

24 A. Right.

25 Q. And why was that?

Michelle MacDonald Shimota

10/20/2016

Page 236

1 A. Well, I'm not sure. There was a motion made
2 and testimony taken. And I remember one attorney
3 getting up there on the stand and maybe pointing out
4 this case. He had a big screen and against me, but
5 it ended up they just decided not to endorse any
6 judges.

7 Q. The attorney, was that Harry Niska?

8 A. Yes.

9 Q. Do you recall Harry Niska circulating a
10 three-page --

11 A. I want to see that, yeah, I thought he did
12 circulate something, yes, I want to see that.

13 Q. Have you ever seen it?

14 A. No, it was there just up on the big screen
15 when I was thinking, I was preparing a speech, I had
16 a speech ready.

17 Q. Are you aware that it's available online?

18 A. No, I didn't know it was online.

19 Q. Do you think that the republican party's
20 refusal to endorse you for Supreme Court in the 2016
21 election has damaged your reputation?

22 A. No, because the -- well, I think that letter
23 that mentioned my demeanor has damaged my
24 reputation, not in general.

25 Q. Okay.

Michelle MacDonald Shimota

10/20/2016

Page 237

1 A. It's because of what happened to me here
2 that -- this is the source of it. You know what I'm
3 saying? This is the source of it. Because nobody
4 knows the real truth of what you guys did to me
5 here.

6 Q. I've read the Niska letter. And --

7 A. Well, can you get that? Where is it online?
8 Because I'd like to see it.

9 Q. Let me look.

10 A. Well, you could print it off. Because I
11 want -- the truth has to come out about what you
12 guys did to me here, instead of all this cover-up.
13 And pretending that you didn't do anything and this
14 was all business as usual and that I did something
15 wrong when I didn't.

16 Q. The document is entitled, Judicial Election
17 Committee Minority Report, by David Asp and Harry
18 Niska.

19 A. And they have that posted?

20 Q. Yep.

21 A. Who posted it?

22 Q. It's on mngop.com.

23 A. Okay.

24 Q. Okay. So you don't know one way or another
25 whether that report has damaged your reputation?

Michelle MacDonald Shimota

10/20/2016

Page 238

1 A. I'm certain it has. I'm certain it has.
2 Now you're saying it's online.

3 Q. Has that caused you any mental or emotional
4 distress, this process of not being endorsed by the
5 republican party?

6 A. No, no, because the truth is that I had
7 every single -- remember I explained the judicial
8 selection committee was made up of the 10 districts
9 and two were appointed. You know, so there was 20
10 of those, Keith Downey appointed these two lawyers,
11 Harry Niska and someone else, they're thrown into
12 the group, and they're lawyers. So that's the legal
13 community, right.

14 And they're -- they're the ones that believe
15 this stuff, believe something's wrong, that I have
16 done something wrong. Do you see what I'm saying?
17 It's the legal community and my reputation that
18 you've destroyed.

19 Q. Well, one of the things they reference
20 that --

21 A. That I'm keeping -- I'm always trying to
22 keep -- keep -- keep telling people what really went
23 on so that I can regain my reputation with -- on and
24 on and on.

25 Q. One of the things referenced in the memo is

Michelle MacDonald Shimota

10/20/2016

Page 239

1 that you sued the republican party. Is that
2 correct?

3 A. Yeah, it wasn't a lawsuit, it was you do --

4 Q. Administrative?

5 A. It was when -- yeah, it was when a lawyer
6 called me and left a message threatening me,
7 threatening my family, my business, my reputation,
8 if I didn't withdraw my endorsement. Because he
9 knew about this incident. It's another thing. It
10 goes back to this incident. He knew about this
11 incident. I had shared with him the pictures and
12 things like that in confidence, and he was, you
13 know, he was like, this incident is going to come
14 out, so.

15 Q. Who did you share with?

16 A. It was --

17 Q. Keith Downey?

18 A. No, no, no, no. His name was Patrick Burns.
19 So he was an attorney that was very saddened by what
20 happened to me, but he also was part of the
21 republican party somehow. And he's the one who
22 called me and said, this is going to be -- not look
23 good.

24 Q. Okay.

25 A. What you guys did to me, it's not going to

Michelle MacDonald Shimota

10/20/2016

Page 240

1 look good for the republican party, you guys.

2 Q. Well, the report also references the video
3 of your test refusal arrest that's available online,
4 correct?

5 A. Right, right.

6 Q. Do you think that video being available
7 online has damaged your reputation?

8 A. I don't think so, no.

9 Q. Your driver's license was ultimately
10 revoked, correct?

11 A. I believe so. Right at the beginning.

12 Q. For how long? Do you recall?

13 A. I was representing myself. I don't recall.
14 And then they stayed it. So they never clipped my
15 license or anything, that I remember. They gave me
16 my license back and then they said it was revoked
17 and they stayed it because I was doing appeals. So
18 it was never revoked -- it wasn't revoked for that
19 long.

20 Q. And what -- but it was revoked for some
21 period of time?

22 A. I believe so.

23 Q. Did that cause you any mental or emotional
24 distress?

25 A. No, I just had to get rides.

Michelle MacDonald Shimota

10/20/2016

Page 241

1 Q. Do you think that damaged your reputation at
2 all?

3 A. It wasn't -- I would hope not.

4 Q. It was a reported case in the Minnesota
5 Court of Appeals, correct, on the revocation of your
6 driver's license?

7 A. Yes.

8 Q. So that information was out there, correct?

9 A. Right.

10 Q. Do you think that hurt your reputation?

11 A. It could have. It could have. But when
12 you're arrested in court, I think that's like huge
13 and that's probably hurt my reputation worldwide.
14 So that's why it needs to be exposed what you guys
15 did to me.

16 Q. There's also a lawsuit by Great Southern
17 Bank. Are you aware of that?

18 A. Yes.

19 Q. Against -- who is Eldorado Commercial LLP?

20 A. Eldorado Commercial LLP is my -- owns the
21 building that my husband owns.

22 Q. Is your husband a shareholder or?

23 A. Tom Shimota, he's a partner.

24 Q. Partner in Eldorado?

25 A. Yeah.

Michelle MacDonald Shimota
10/20/2016

Page 242

1 Q. Is Eldorado still around?

2 A. No, not really. I mean, it owns the
3 building. He -- and I think if you found that, you
4 also found his affidavit. His brother died a year
5 and a half ago, who was the -- and he was the last
6 surviving, quote, partner, and two partners before
7 that filed bankruptcy, so he's struggling with that.

8 Q. Sure. Now, I did see that there was a
9 judgment entered against your husband jointly and
10 severally in the amount of \$1,104,079.28, is that
11 correct?

12 A. Right.

13 Q. Is that judgment still outstanding?

14 A. That is, you know, if you know anything
15 about foreclosure, that -- yeah, I mean, they had
16 to -- we worked with the bank attorney, who was
17 very, very nice by the way, so that he could speed
18 up the process. So the judgment is just because
19 there's a foreclosure sale coming up.

20 Q. Okay. And --

21 A. They had to get a judgment because they had
22 to have a value for the business --

23 Q. The judgment indicates that if the property
24 sells for less than the amount of the judgment, that
25 the defendants will be jointly and severally

Michelle MacDonald Shimota
10/20/2016

Page 243

1 reliable for the residual, correct?

2 A. Does say that, yes.

3 Q. Does that cause you any stress?

4 A. No, not at all. It causes me great unstress
5 to get that building taken care of.

6 Q. Okay. Hasn't caused you any emotional or
7 mental stress whatsoever?

8 A. No, that's my husband's piece.

9 (MacDonald Deposition Exhibit No. 15
10 marked for identification.)

11 BY MR. TIMMERMAN:

12 Q. Ms. MacDonald, this is Exhibit 15 to your
13 deposition.

14 A. Mm-hmm.

15 Q. Presumably you recognize this document,
16 correct?

17 A. Yes.

18 MR. PADDEN: Jeff, I'm not sure I'm
19 going to allow any questions from this petition.
20 This matter is still being adjudicated. I just
21 don't think it's really appropriate for this to be
22 covered in a discovery deposition. My client's
23 represented by counsel also on this, and I don't
24 know. What do you plan to ask about this?

25 MR. TIMMERMAN: Questions about when it

Michelle MacDonald Shimota

10/20/2016

Page 244

1 was filed, when she first learned when that was
2 coming, and if it's caused her any distress.

3 MR. PADDEN: Okay. Fair enough.

4 MR. TIMMERMAN: I'm not going to delve
5 into the merits of this.

6 MR. PADDEN: That's fine.

7 BY MR. TIMMERMAN:

8 Q. So when did you learn that the Lawyers
9 Professional Responsibility Board Panel was --
10 was -- had filed an ethics complaint against you?

11 A. You're mixing that up. Judge Knutson, based
12 on what your people did here, he's the one who
13 filed. And it was sometime -- I think I got notice
14 of it sometime in February, April of 2014.

15 Q. Of Judge Knutson's ethics --

16 A. Judge Knutson made the complaint, he wrote
17 to the lawyer's board about this incident.

18 Q. You've also filed ethics complaints against
19 Judge Knutson, you testified about that --

20 A. I did.

21 Q. -- correct?

22 A. Yes.

23 Q. Do you understand what relief the
24 Professional Responsibility Board is seeking against
25 you in this action?

Michelle MacDonald Shimota

10/20/2016

Page 245

1 A. I don't know.

2 Q. Do you believe this petition for
3 disciplinary action and the fact that you are part
4 of an active ethics charge has harmed or damaged
5 your professional reputation?

6 A. Right now, yeah, absolutely, yes. Yes, this
7 just got filed after this election.

8 Q. Because this has been publicized, correct?

9 A. It just got publicized, yes.

10 Q. Star Tribune has published it. Minnesota
11 Lawyer has published it.

12 A. Yeah. Right after the -- I won the
13 primaries in the election. They decided to file
14 this and make it public.

15 Q. Has this caused you -- the fact that you're
16 subject of this Professional Responsibility Board
17 action before the Supreme Court of the state of
18 Minnesota, has that caused you mental or emotional
19 stress?

20 A. Yes.

21 Q. How significant?

22 A. Well, if you read it, it's all about what
23 you -- your people, your defendants did to me. It
24 all stems from that, kind sir.

25 Q. Well, I mean --

Michelle MacDonald Shimota

10/20/2016

Page 246

1 A. Okay.

2 Q. --- I'll admit it's somewhat about that.

3 A. So now -- now this is -- on top of
4 everything else now there's this. On top of
5 everything that stems from that day, September 12,
6 2013, now there's this.

7 Q. This indicates that you were disciplined
8 in -- with an admonition in August of 2012, is that
9 accurate?

10 A. Not really. I wasn't disciplined. I'll
11 show you the materials on that if you need it.
12 This -- you could -- it's a flowery way of saying
13 what really happened.

14 Q. Were you given a formal admonition?

15 A. No, I wasn't. It was a private admonition.

16 Q. Okay. You were given an admonition, it just
17 wasn't public?

18 A. It was private. And it was an attorney, his
19 name was Brian Thompson, who had worked for me. He
20 left my law firm, started his own practice, took a
21 case with him. It was the Whitehead case. He was
22 working on it I guess, and he -- they filed against
23 him and then he died. This is how crazy this is.
24 He died, and they filed against my law firm, and --
25 you know, because he used to work for me. And I had

Michelle MacDonald Shimota

10/20/2016

Page 247

1 an attorney there who said they can't do that, but
2 they were doing it anyway.

3 And they -- I think there was -- it was
4 determined there was some like \$200, some small
5 amount in my trust account that this client had
6 gotten bills for, you know, showing you have this
7 amount. So they found that. And I said, oh, yeah,
8 I can give him back that money that Brian didn't
9 take with him or left in trust.

10 And then there was -- what else happened
11 there. Yeah, they said nonlawyer. I didn't
12 understand that.

13 Q. Okay.

14 A. Conduct of a nonlawyer, because he was a
15 lawyer.

16 Q. Are you concerned that you're going to be
17 disbarred?

18 A. I hope -- I'm not, no. I don't think. I
19 mean, unless you know something -- I think they --
20 they want to punish me somehow because of what
21 happened in that courtroom, because I sued a judge,
22 because you guys arrested me and I'm speaking out on
23 it.

24 Q. Fair to say that you're --

25 A. I think they would like that. I don't know

Michelle MacDonald Shimota

10/20/2016

Page 248

1 why this is even brought.

2 Q. Fair to say that there are other matters
3 that are referenced in this complaint, correct?

4 A. Yes, other -- the whole matter.

5 MR. PADDEN: I don't want to get --

6 A. Okay. I'm not going to get into the matter.

7 MR. PADDEN: He's just -- what he's
8 trying to ask you is whether this is causing mental
9 and emotional distress.

10 A. And I'm saying yes.

11 MR. PADDEN: Okay. Thank you.

12 Q. Since you're claiming your attorneys fees
13 and costs associated with other matters, how much
14 did you pay out of pocket in attorneys fees and
15 costs in connection with Mr. Fluegel's prosecution
16 for your court arrest -- courthouse arrest, excuse
17 me?

18 A. For the -- for the contempt?

19 Q. Correct.

20 A. I believe I gave you those numbers. I think
21 that Stephen Grigsby didn't charge me for that. He
22 didn't charge me for the courthouse arrest.

23 Q. Okay. So he represented you for free?

24 A. He did.

25 Q. So you did not incur any costs --

Michelle MacDonald Shimota

10/20/2016

Page 249

1 A. I might --

2 Q. Did not incur any attorneys fees or costs in
3 connection with Mr. Fluegel's prosecution of you for
4 the contempt charge?

5 A. I'm not sure. I gave you those numbers. So
6 they're in my interrogatories. What I'm trying to
7 say is he didn't want to charge me, and I -- I
8 didn't think that was fair. Because he is the one
9 who had called the jail and saw on the news that I
10 was arrested. So when I called him, which was a few
11 weeks later, he said since I called the jail I
12 shouldn't charge you, and I said that doesn't
13 sound fair, I should pay you something, so.

14 Q. In your interrogatories you have, defense
15 related matters, Stephen Grigsby \$14,250. What
16 would that have been for? Was that your DUI charge
17 or was that your contempt charge?

18 A. He represented me in the petition for
19 disciplinary action. I can't imagine it being that
20 much for the DUI.

21 Q. Well, that case went to trial and it was
22 appealed and then cert was sought, correct?

23 A. Right. So I'll have to distinguish that for
24 you, but I -- you're -- you asked me one question,
25 let me just answer it. I don't think he charged me

Michelle MacDonald Shimota

10/20/2016

Page 250

1 for the contempt.

2 Q. Okay.

3 A. I think he did not charge me. I think I had
4 other costs. I had to pay for the other things,
5 but.

6 Q. Court costs?

7 A. Court costs, and things like that, and time
8 away from my job, which you keep insisting to have
9 happen.

10 Q. How much have you paid out of pocket --
11 strike that, please. That's -- let me rephrase
12 that.

13 You would agree with me I think that your
14 confinement in the Dakota County jail and in the
15 courthouse holding area didn't cause you to suffer
16 any attorneys fees or costs, correct? It was your
17 arrest that caused that, correct?

18 A. My arrest -- from beginning to end?

19 Q. Correct.

20 A. And then what?

21 Q. The arrest caused you to be charged, not
22 your conditions of confinement in the jail, correct?

23 A. Caused me the charge of what?

24 Q. Caused you to incur attorneys fees -- I
25 guess no attorneys fees, but court costs in the

Michelle MacDonald Shimota

10/20/2016

Page 251

1 contempt charge?

2 A. Yeah.

3 Q. Okay.

4 A. I don't understand your question all that
5 well, but that makes sense.

6 Q. Okay. I'm just trying to delineate between
7 you're not claiming --

8 A. Oh.

9 Q. I guess my broader question is you're not
10 claiming any attorneys fees and costs in other
11 matters relative to your confinement in the
12 courthouse area or the jail, correct? Those acts of
13 confining you did not cause you to personally incur
14 any attorneys fees and costs, correct?

15 A. Oh, in this lawsuit, yes.

16 Q. Okay.

17 A. So, yes. Were you trying to have me say
18 that I didn't incur any attorneys fees?

19 MR. PADDEN: No, no, he's --

20 A. I'm misunderstanding. But in this lawsuit,
21 yes.

22 Q. In this lawsuit you're claiming that, I
23 understand.

24 A. Okay.

25 Q. How much money have you paid out of pocket

Michelle MacDonald Shimota

10/20/2016

Page 252

1 in attorneys fees and costs in connection with the
2 disciplinary action?

3 A. \$10,000 so far.

4 Q. Paul Ang [phonetic].

5 A. Yeah, to Paul Ang and something like \$1,500
6 to -- to Stephen Grigsby.

7 Q. How much have you paid out of pocket in
8 attorneys fees and costs to date with this lawsuit?

9 A. That's all written down.

10 MR. PADDEN: Time out. In the context
11 of that question, concerning the attorney/client
12 relationship that I have with my client, I'm not
13 going let her discuss that. That's certainly a
14 matter that'd be appropriate for a post trial
15 petition, fee petition, whatever, but I don't think
16 it's appropriate to ask in discovery.

17 THE WITNESS: I think I actually
18 answered that actually.

19 MR. PADDEN: I think he's talking about
20 this case.

21 THE WITNESS: Yeah, I did already
22 answered that.

23 BY MR. TIMMERMAN:

24 Q. You have. And that's why I asked. You
25 indicated \$32,044. You've paid \$32,044 to date?

Michelle MacDonald Shimota

10/20/2016

Page 253

1 A. Right, in this action, mm-hmm, whatever I
2 said there.

3 Q. That's the amount you've paid?

4 A. Mm-hmm.

5 Q. Sorry. I wasn't trying to be sneaky. It's
6 in the interrogatory answers.

7 MR. PADDEN: Yeah.

8 A. Yeah.

9 Q. In this lawsuit are you claiming or seeking
10 to cover your attorneys fees and costs in any other
11 actions aside from the contempt hearing and ethics
12 complaint? Contempt charges I should say and the
13 ethics complaint.

14 MR. PADDEN: You mean my representation
15 of her in the civil rights case, Jeff?

16 Q. No. And I understand -- let me back up. It
17 was a poorly-worded question. I understand that you
18 may seek to recover attorneys fees and costs in this
19 case.

20 A. Right.

21 Q. I guess that. I'm not questioning you about
22 that. But you testified today that you're also
23 seeking to cover attorneys fees and costs in this
24 case that you spent in other cases.

25 A. Right.

Michelle MacDonald Shimota

10/20/2016

Page 254

1 Q. My question for you is, we've talked about
2 the contempt charges and we've talked about the
3 ethics action. Are there any other legal actions
4 for which you're seeking recovery of fees and costs
5 in this lawsuit?

6 A. No, not that I know of.

7 Q. Clear as mud. How did your detention at the
8 Dakota County jail on September 12th and 13th of
9 2013 damage your reputation?

10 A. Just by the fact of it happening.

11 Q. What about your detention in the courthouse
12 holding area, same thing?

13 A. Just by the fact of it happening.

14 Q. Who has knowledge --

15 A. My complete reputation is different and
16 damaged and needed to be explained all the time.

17 Q. What proof do you have these incidents,
18 these periods of confinement have damaged your
19 reputation?

20 A. First of all, it's pretty apparent and
21 obvious, and I gave you some -- you know, the one
22 article that came out from the Minnesota State Bar
23 Association, that article. No matter how -- I think
24 it was Minnesota Lawyer, that was the first one.
25 It's -- you get -- when -- when something like this

Michelle MacDonald Shimota

10/20/2016

Page 255

1 happens, it seems like you always get looks and
2 comments and, you know, somebody else might say,
3 some other attorney might say, oh, you know, is that
4 the one. And I have attorneys that say -- try to
5 say, oh, I explain to them, that you didn't do
6 anything, things like that. I mean, that's ongoing,
7 even as easily as yesterday. You know, any people I
8 meet, saying, oh, so and so said you were in
9 trouble. It goes on and on.

10 I mean, it's kind of, you know, when you're
11 an attorney in the stature that I'm in, and suddenly
12 this happens to you, you're under arrest for 30
13 hours, and leave, and then you're prosecuted, it
14 resonates and it reverberates. There's nothing I
15 can -- it's so, so obvious, it's like blatant.

16 Q. The articles you're mentioning, those are
17 about your civil rights lawsuit, right, articles
18 about --

19 A. Which one?

20 Q. The Minnesota Lawyer article.

21 A. No, no, there was a Minnesota Lawyer article
22 after this -- this arrest of mine, said attorney
23 arrested. And it went on the news, too, on Fox 9.

24 Q. And before the lawsuit was filed?

25 A. Attorney arrested. Oh, long before, when it

Michelle MacDonald Shimota

10/20/2016

Page 256

1 happened.

2 Q. It's really your arrest, though, that's
3 damaged your reputation? But for the arrest, you
4 wouldn't have been confined in the jail, correct?

5 A. Right. But for you guys pulling me out of
6 my life and holding me for all of those hours for
7 nothing, I wouldn't have been in jail, yep.

8 Q. How can you apportion -- we talked about
9 other things that you believe that damaged your
10 professional reputation like the ethics charge, like
11 the republican state fair booth events, et cetera,
12 how can you apportion the percentage of damage that
13 was caused by this lawsuit as opposed to all of
14 these other events that were happening
15 contemporaneously? Do you have an answer for that?

16 A. I don't. I just know that I had no problems
17 until your people did this to me.

18 Q. Well --

19 A. I mean, I was just practicing law and doing
20 my thing.

21 Q. The DUI arrest was before this, though,
22 before my people detained you, correct?

23 A. And that was another civil rights, you know,
24 violation that I -- the reason they brought that
25 charge against me was because I made a complaint to

Michelle MacDonald Shimota

10/20/2016

Page 257

1 the police, and then all of a sudden there's charges
2 brought against me for what they did, not following
3 the law, Dan Fluegel chit chatting and giving advice
4 to the cops.

5 Q. Have you sued the city of Rosemount?

6 A. No, no, no.

7 Q. Okay. All right. So I don't -- if I'm
8 hearing you correctly, there's no -- really no clean
9 way for us to determine what portion of the damage
10 to your reputation was caused by the events alleged
11 in this lawsuit as opposed to the other events --

12 A. This --

13 Q. -- as opposed to the other events going on
14 in your life, correct? Is that correct?

15 A. I'm not sure. This was the first one that
16 was publicized.

17 Q. The DUI was publicized, right?

18 A. No, that was after. This one was the first
19 one, because it was on September -- the DUI arrest
20 was quiet. Nobody knew about that before this.
21 No -- it wasn't publicized until after this. You
22 know that, right?

23 Q. I'm asking you.

24 A. Yeah, the DUI was not publicized at all.

25 This happened, and then the DUI got publicized. And

Michelle MacDonald Shimota

10/20/2016

Page 258

1 this was advertised on Fox 9 the day it happened,
2 and that's how -- I never saw that, that's how
3 Stephen Grigsby found me. Because he was watching
4 his TV one night and he called the jail to see how I
5 was doing.

6 Q. We've got all of these different media
7 outlets to whom you've given or to which you've
8 interviews, first is the MSBA, Star Tribune, the
9 Pioneer Press, Lion News.

10 A. Mm-hmm.

11 Q. Fletcher Long and the Long Version, I know
12 you've been on his show a couple times talking about
13 your arrest. Do you agree with me that you've
14 really self-publicized the heck out of this arrest?

15 A. Yes and no. They call me, and I try to tell
16 what happened. They're calling me like, what
17 happened. It's like when people come up on the
18 street, other lawyers, what happened that day. I
19 have to tell them. So if I can tell a larger
20 audience about what your people did to me that day,
21 I'm comfortable with it. It's not publicizing it,
22 it's trying -- it happened, you did this to me. And
23 I have to figure -- I have to tell people why --
24 not -- that I didn't do anything wrong, that I was
25 wronged by your people, because obviously I was.

Michelle MacDonald Shimota
10/20/2016

Page 259

1 Q. You also had a press conference to announce
2 the filing of this lawsuit, correct?

3 A. My attorney did a press conference to
4 announce the filing.

5 Q. Which attorney?

6 A. It was Nathan Busch and M. Tayari Garrett,
7 they had a press conference.

8 Q. Did you attend it?

9 A. I did.

10 Q. How many other people were there?

11 A. There was several people there.

12 Q. Who?

13 A. I don't remember. I might have --

14 MR. PADDEN: You mean media, Jeff, or
15 on my client's behalf?

16 MR. TIMMERMAN: What's that?

17 MR. PADDEN: You mean media --

18 MR. TIMMERMAN: Media, yeah, how many
19 other people. She's testified -- I asked --

20 MR. PADDEN: I didn't know if you
21 were --

22 A. I wonder if they did do a press release.
23 I'm not sure that -- I'm pretty sure they did.

24 MR. PADDEN: You're talking about press
25 conference?

Michelle MacDonald Shimota

10/20/2016

Page 260

1 BY MR. TIMMERMAN:

2 Q. Press conference.

3 A. Press conference, yes, when this first got
4 filed.

5 Q. They did a press conference?

6 A. They put out a press conference, yes.

7 Q. And you're saying a couple of other people
8 attended?

9 A. Yes.

10 Q. Do you have any idea how many?

11 A. Maybe ten.

12 Q. Do you recall any of their names?

13 A. No.

14 Q. What was the purpose of the press
15 conference?

16 A. You would have to ask my attorney that.

17 Q. It wasn't your idea?

18 A. No, it wasn't my idea.

19 Q. You apparently agreed to go along with it,
20 though, correct?

21 A. Right.

22 Q. Again, I mean, if you're worried about
23 publicizing the fact that you were arrested and then
24 detained at the jail, it strikes me as a little
25 incongruous that you would host a press conference

Michelle MacDonald Shimota

10/20/2016

Page 261

1 to advertise about the fact that you were arrested
2 and detained at the jail.

3 A. It's not incongruous, because I want to
4 explain what really happened that day. What's out
5 there is that I got arrested. I have to explain
6 what really happened that day, okay, what you guys
7 did to me. That's what that's all about. Not, oh,
8 guess what, I got arrested. I didn't want anybody
9 to know that. They need to know the truth, because
10 it was already picked up by the media.

11 (MacDonald Deposition Exhibit No. 16
12 marked for identification.)

13 BY MR. TIMMERMAN:

14 Q. Ms. MacDonald, this is Exhibit 16 to your
15 deposition. Do you recognize this?

16 A. Yes.

17 Q. MacDonald for Justice is your Supreme
18 Court -- the name of your Supreme Court candidacy,
19 correct?

20 A. Right.

21 Q. Who maintains the MacDonald for Justice
22 YouTube site?

23 A. We don't have anybody, we don't have it
24 connected to MacDonald for Justice right now. This
25 is it. I don't have anybody to maintain it.

Michelle MacDonald Shimota

10/20/2016

Page 262

1 Q. Ostensibly there's a log-in and password for
2 the MacDonald for Justice YouTube site, is that
3 correct?

4 A. Yes.

5 Q. And is that information that you possess?

6 A. I have it somewhere. I don't even know how
7 I did this. I'm not good at it. But yes.

8 Q. You created the account?

9 A. I believe I created this account and put
10 these three videos up, and then this one.

11 Q. And this is another --

12 A. I didn't even know I put these up. I was
13 trying to mechanically do it.

14 Q. This is another example of you publicizing
15 the fact that you were arrested and detained,
16 correct?

17 A. It's another example so the people can watch
18 what happened, and you'll see I didn't do anything
19 in the courtroom to deserve this kind of treatment,
20 nothing.

21 Q. And you posted these videos yourself?

22 A. Yes, I did.

23 Q. And you drafted the commentary accompanying
24 these videos?

25 A. I did.

Michelle MacDonald Shimota
10/20/2016

Page 263

1 Q. And, again, from where were these videos
2 obtained?

3 A. They were -- the prosecutor gave them to my
4 criminal defense attorney. I'm still waiting for
5 the ones from you that were subpoenaed on September
6 17.

7 Q. There's no question.

8 MR. TIMMERMAN: Exhibit 15?

9 THE REPORTER: No, 17.

10 (MacDonald Deposition Exhibit No. 17
11 marked for identification.)

12 BY MR. TIMMERMAN:

13 Q. This is Exhibit 17 to your deposition. This
14 is a transcript of a motion hearing in your criminal
15 case, the contempt case, the hearing that occurred
16 on November 21, 2013. Do you see that?

17 A. Yeah, mm-hmm.

18 Q. And you were at this hearing, correct?

19 A. Right. Oh, I don't think so. This was -- I
20 think this was on the phone.

21 Q. It was a phone hearing?

22 A. I think so.

23 Q. Were you present for the phone hearing?

24 A. I don't -- nope, I don't think so. This was
25 just done by phone. I'll have to look. I don't

Michelle MacDonald Shimota
10/20/2016

Page 264

1 know.

2 Q. Okay. So on page 2 Mr. Grigsby says,
3 Stephen Grigsby, Your Honor, on behalf of
4 Ms. MacDonald, who is present before the court.

5 A. Oh, okay. Then it must be. Thank you.

6 Q. Does that refresh your recollection as to
7 whether this is an in-person or --

8 A. Yes.

9 Q. -- a telephone hearing?

10 A. Yes, it was in person.

11 Q. It was an in-person hearing, okay. Okay.
12 On page 5 Mr. Grigsby says, Grigsby, excuse me, in
13 response to my requests for discovery, the
14 prosecutor acknowledged that he's in possession of a
15 DVD, but because the DVD contains portions of events
16 beyond the matter relevant to this case in the
17 courtroom, he says he cannot release the whole of
18 these recordings without an order of the court. So
19 I think what the court can do is to order its
20 disclosure under some sort of protective order that
21 can satisfy the State's interest and whatever it
22 wants to protect.

23 And Judge Metzen says, do you want to draft
24 a protective order for me that protects what you
25 need to protect?

Michelle MacDonald Shimota

10/20/2016

Page 265

1 And Mr. Colburn, is that Mr. Fluegel's
2 associate?

3 A. Yes.

4 Q. Says, I think the concern, Your Honor, is to
5 what extent events, essentially unrelated to the
6 alleged violation, should or should not be disclosed
7 as part of these DVD recordings.

8 And the court says, what is the DVD, what is
9 it.

10 And Mr. Colburn says, essentially it -- I
11 guess I would call it the surveillance video of the
12 courtroom where the alleged incident occurred.

13 Mr. Grigsby says, video of the crime
14 itself -- alleged crime itself.

15 And the court says, right, I think that's
16 pretty relevant.

17 And then Mr. Colburn says, mm-hmm, I agree.
18 I certainly agree with the portion of the video
19 pertaining to the alleged violation is certainly
20 relevant, should be discoverable. Of course, the
21 DVD contains quite a bit prior to and a fair bit
22 after the alleged violation. And if the court
23 wished to give some direction on that, we can either
24 release it as is with the court's direction, or --

25 And Judge Metzen says, how about -- let's do

Michelle MacDonald Shimota

10/20/2016

Page 266

1 this. Let's release it as is to Mr. Grigsby. I
2 think he should be permitted to have access to that,
3 but restrict him in allowing that to be released any
4 further --

5 Okay, Mr. Colburn says.

6 And then Judge Metzen says, without order of
7 the court.

8 And Mr. Grigsby says, I fully understand
9 that.

10 Okay?

11 A. Right.

12 Q. So did you understand as of November 21,
13 2013 that Judge Metzen had limited the dissemination
14 of the DVD footage provided to you in your criminal
15 contempt case to Mr. Grigsby?

16 A. Yes.

17 Q. Why then did you take that video and post it
18 on YouTube?

19 A. The case was over. I just posted it
20 recently. And you said I could. You said, any
21 video that's out there is okay. So that's why.

22 Q. I never said that --

23 A. Other people were posting it already.

24 Q. I never said you could post -- let me
25 clarify for the record. I indicated to you when we

Michelle MacDonald Shimota

10/20/2016

Page 267

1 met back in May that M. Tayari Garrett had posted
2 the courtroom video on her YouTube -- her law -- her
3 now defunct law firm's YouTube website back in April
4 of 2015, and that that was out there. I knew that
5 that was out there at that time. How did she get a
6 copy of that video to post? Do you know?

7 A. She got it from me.

8 Q. Okay. And subsequently --

9 A. Let me explain. Let me explain.

10 Q. I'm asking the questions.

11 A. I followed this order.

12 Q. Excuse me. I'm asking the questions.

13 A. The case was dismissed. I could do anything
14 I wanted with those videos once it was dismissed.
15 And that's what Mr. Grigsby told me. So it was
16 already after it was dismissed that I could finally
17 give somebody the video.

18 Q. Okay.

19 A. Okay. And I gave it to my attorney here.
20 And I gave it --

21 Q. I understand you gave it to your attorneys.
22 But I am saying notwithstanding the fact that Judge
23 Metzen has placed restrictions on the distribution
24 and dissemination of this video, you decided once
25 the case was dismissed that you could do with it

Michelle MacDonald Shimota

10/20/2016

Page 268

1 what you please?

2 A. Right, because I could, kind sir. So it's
3 not going be covered up anymore. Okay?

4 Q. Okay.

5 A. I could, legally I could.

6 Q. And do you understand that the videos were
7 produced in this lawsuit?

8 A. That I couldn't open, yes. Nothing new was
9 produce in this lawsuit that I could open. Except
10 for I could get some hallway things.

11 Q. These three videos on MacDonald for Justice
12 YouTube site were produced to you in this lawsuit.
13 Do you understand that?

14 A. No, I don't. These were -- the only reason
15 these exist is because you guys tried to prosecute
16 me with them. I have been trying to get these
17 videos since September of 2013, all of them, from
18 both days. Okay? So you have obstructed me getting
19 my --

20 Q. You've answered my question.

21 A. -- my videos.

22 Q. You've answered my question.

23 A. You've obstructed federal subpoenas.

24 Q. Well, federal subpoenas that were quashed by
25 a federal court, no?

Michelle MacDonald Shimota

10/20/2016

Page 269

1 A. No, they weren't quashed. They weren't
2 quashed at all. You just didn't respond to them.
3 You just wrote letters and decided you weren't going
4 to -- the county was just not going to turn them
5 over. They're on legal hold right now. The only
6 reason you have these is I put them on legal hold.

7 Q. Okay. So I asked you -- the question I
8 asked you, did you understand that --

9 A. You are not going to be --

10 MR. PADDEN: Just wait for the next
11 question, Michelle. This is not the time.

12 Q. The question I asked you, do you understand
13 that these videos were produced in this lawsuit and
14 you said no?

15 A. You had produced these videos in this
16 lawsuit, yes, you did.

17 Q. You understand. And do you understand they
18 were designated as confidential in the lawsuit?

19 A. I did not understand that, because I already
20 had these. Because I sat at a meeting with you and
21 I said, well, I already have the videos from the
22 criminal matter. And you said, oh, those don't
23 count. So I had -- I would have put all the others
24 up --

25 Q. I said nothing of the sort.

Michelle MacDonald Shimota

10/20/2016

Page 270

1 A. -- if I could. Yes, you did, sir.

2 Q. I said nothing of the sort.

3 A. Yes, you did, sir. You just said it. I
4 said, I have these. That's when you said they were
5 going to be confidential. Because I'm still trying
6 to get them and open them. You said, well, the ones
7 you have already. I said, what about the ones that
8 I already have from the criminal matter.

9 Q. I did not say that.

10 A. And you said, oh, those --

11 Q. We can disagree.

12 A. Why would they be? I already have them.
13 Why would something you give me that I already have?

14 MR. PADDEN: Time out. Time out.
15 Let's go to the next topic.

16 A. You're not going to accuse me of violating
17 an order, because I didn't. When you give me
18 something and it's confidential, it's confidential.
19 So stop, okay, stop.

20 Q. Excuse me. Your conduct today has been
21 unbecoming of a lawyer, absolutely unbecoming.

22 A. I'm a victim. I'm a victim and a defendant.
23 I'm not your lawyer.

24 Q. Excuse me. You've accused me and my
25 colleagues of corruption on the record.

Michelle MacDonald Shimota

10/20/2016

Page 271

1 A. Right.

2 Q. Which I think might be a violation of an
3 ethics rule in and of itself.

4 A. I'm a lawyer. Okay?

5 Q. Okay.

6 MR. PADDEN: Let's get the deposition
7 done, please.

8 A. Yes.

9 Q. I'm going to ask you more about that
10 corruption charge, because I want to know exactly
11 what you're accusing me of before we're done today
12 so I can decide whether I have a professional
13 obligation to report you to the state of Minnesota
14 bar.

15 MR. PADDEN: She's already explained to
16 you --

17 A. I already explained the corruption.

18 MR. PADDEN: She's already explained to
19 you. I'm not saying that anybody necessarily agrees
20 with it, but she's already answered that question.

21 A. I'm in a legal proceeding. I can -- do you
22 even -- do you even know the law?

23 MR. PADDEN: Michelle, Michelle, stop,
24 stop. Wait for the next question.

25

Michelle MacDonald Shimota

10/20/2016

Page 272

1 (MacDonald Deposition Exhibit No. 18
2 marked for identification.)

3 BY MR. TIMMERMAN:

4 Q. Exhibit 18, this is the book you recently
5 published, right?

6 A. Yes.

7 Q. Sandra Grazzini-Rucki and the World's Last
8 Custody Trial, correct?

9 A. Right.

10 Q. When was it published?

11 A. A couple weekends ago.

12 Q. Published by Familycourt.com?

13 A. Right.

14 Q. Where can I buy it? Where is it
15 commercially --

16 A. Online.

17 Q. Where is it commercially available?

18 A. Online.

19 Q. Where at online?

20 A. I believe it's on -- you can buy it on
21 Amazon, anywhere you want to buy it, however you buy
22 books online.

23 Q. Where did you obtain the still shots of the
24 courtroom and the holding cell area that are on the
25 cover of this book?

Michelle MacDonald Shimota
10/20/2016

Page 273

1 A. From the video.

2 Q. Okay. Turn to pages 53 through 55.

3 A. Yep.

4 Q. This is another instance -- may I see it for
5 a second, please?

6 A. Yes.

7 Q. There's a chapter called, attorney Michelle
8 MacDonald, quote, "Under Arrest," end quote. And
9 you go on to explain your arrest and subsequent
10 incarceration at the jail in this book?

11 A. Right.

12 Q. This is another example of you
13 self-publicizing the fact that you were arrested and
14 detained, correct?

15 A. It's not self-publicizing, it's trying to
16 explain what really happened that day, kind sir.

17 Q. But you're still publicizing the fact that
18 you were arrested and detained, correct?

19 A. And explaining. I'm not self-publicizing.
20 It's a book that I'm explaining what happened,
21 because I want the truth to go out there what you
22 guys did to me.

23 Q. Did you obtain Sandra Rucki's permission to
24 include transcript of her police interview in the
25 book?

Michelle MacDonald Shimota
10/20/2016

Page 274

1 A. Of her police interview in the book? No,
2 it's public. It was obtained by the other writer.
3 He asked the police for it.

4 Q. Are you planning to present an expert at
5 trial regarding your alleged reputational damages?

6 A. I believe so.

7 Q. Who?

8 A. I don't know.

9 Q. Okay.

10 A. You would have to talk to my attorney.

11 Q. Have you hired a reputational damages
12 expert?

13 A. No.

14 MR. PADDEN: The day for disclosure of
15 expert witnesses, Counsel, is December 1. We'll let
16 you know before then.

17 MR. TIMMERMAN: Okay.

18 MR. PADDEN: But that's a fair question
19 to ask her. Today no one has been retained.

20 MR. TIMMERMAN: Yeah, sure. Let's take
21 a couple minutes and then wrap up.

22 THE VIDEOGRAPHER: We're going off the
23 record. The time is 3:12 p.m.

24 (Break from 3:12 to 3:19 p.m.)

25 THE VIDEOGRAPHER: We're back on the

Michelle MacDonald Shimota
10/20/2016

Page 275

1 record at 3:19 p.m.

2 MR. TIMMERMAN: I just want to confirm
3 our discussion we just had off the record,
4 Mr. Padden, that we're going to schedule
5 Ms. MacDonald's Rule 35 examinations on November
6 11th and 12th of 2016.

7 MR. PADDEN: Just give me the specifics
8 on where she has to be and time and stuff like that.

9 MR. TIMMERMAN: Absolutely, I will do.

10 MR. PADDEN: All right.

11 BY MR. TIMMERMAN:

12 Q. Ms. MacDonald, we discussed a lot today.
13 Have we discussed all the facts that support your
14 Fourth Amendment claim regarding the search of the
15 digital camera to the best of your recollection?

16 A. You took my camera unlawfully, yes. Yes,
17 the basic facts, you took my camera unlawfully and
18 kept it for several months, yes.

19 Q. Anything you'd like to add from a fact
20 perspective regarding your Fourth Amendment claim?

21 A. I think the facts speak for themselves that
22 you did that.

23 Q. Have we discussed all the facts as you sit
24 here to the best of your recollection that support
25 Fourteenth Amendment conditions of confinement

Michelle MacDonald Shimota
10/20/2016

Page 276

1 claim?

2 A. Yes. And 30 hours is hard to explain in
3 a -- but if you understand it's from the first time
4 you snatched me no matter what you did to me after
5 that, and by you I mean your people, the county and
6 all that, then, yes. Shouldn't do this to people.

7 Q. Have we discussed today all the facts that
8 support your claim regarding your gold cross
9 pendant?

10 A. Yes.

11 Q. Okay. Any testimony that you'd like to
12 supplement?

13 A. Not at this time.

14 Q. Okay. Any testimony that you'd like to
15 change?

16 A. Not at this time. I'm going to read it.

17 Q. Absolutely. And you have that right. Makes
18 sense.

19 MR. TIMMERMAN: And with that, I think
20 I have no further questions.

21 MR. PADDEN: Thank you, Counsel. She
22 will exercise her right to read and sign. Thank
23 you.

24 MR. TIMMERMAN: Thank you.

25 THE VIDEOGRAPHER: We're going off the

Michelle MacDonald Shimota
10/20/2016

Page 277

1 record. That will be the end of disc three and the
2 conclusion of the deposition of Michelle MacDonald
3 Shimota. The time is 3:21 p.m.

4 (Deposition concluded at 3:21 p.m.)

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Michelle MacDonald Shimota
10/20/2016

Page 278

REPORTER'S CERTIFICATE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I hereby certify that I reported the deposition of MICHELLE MACDONALD SHIMOTA on October 20, 2016 in Hastings, Minnesota, and that the witness was by me first duly sworn to tell the whole truth;

That the testimony was transcribed by me and is a true record of the testimony of the witness;

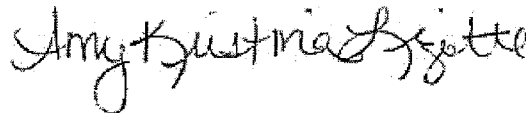
That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

That the right to read and sign the deposition by the witness was reserved.

WITNESS MY HAND AND SEAL THIS 24th day of October, 2016.



Amy Kristina Lizotte
Notary Public, Hennepin County, Minnesota
My commission expires January 31, 2022.